



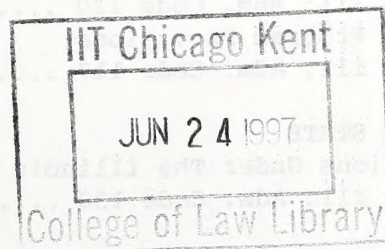
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Rules of Governmental Agencies

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Client Service Planning

2) Code Citation: 89 Ill. Adm. Code 305

3) Section Numbers: Proposed Action:
305.50 Amend

4) Statutory Authority: 20 ILCS 505

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments add several Federal requirements to Section 305.50 which describes the contents of the service plan. Section 475(5)(A) of the Social Security Act requires that the case plan for a child placed in a foster family home or child care institution a substantial distance from the home of either parent, or in a different state, set forth the reasons why the placement is in the best interests of the child. The same Section requires that, for children placed in another state, a caseworker must visit the foster home or institution no less frequently than every 12 months and submit a report on the visit to the state agency of the state where the home of the child's custodial parent is located.

Section 305.50(c)(7) is amended to require that the initial service plan be submitted to the Juvenile Court within 45 days rather than 30 days [705 ILCS 405/2-10] and that a copy of the most current revised service plan be submitted to the Juvenile Court at least 14 days in advance of the next permanency hearing [705 ILCS 405/2-28].

6) Will these proposed rules replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? No

9) Are there any proposed amendments to this Part pending? No

10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham
Chief, Office of Rules and Procedures
Department of Children and Family Services

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

406 East Monroe, Station # 65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis: The proposed amendments will not have an impact on small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two (2) most recent regulatory agendas because: The need for the rulemaking was not anticipated at the time of the last two regulatory agendas.

The full text of the proposed amendment begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 305

CLIENT SERVICE PLANNING

- Section
 305.10 Purpose
 305.20 Definitions
 305.30 Introduction to Client Service Planning
 305.40 Types of Permanency Goals and Alternative Permanency Options
 305.50 Service Plan
 305.60 Case Review System
 305.70 Roles and Responsibilities of the Administrative Case Reviewer
 305.80 Decision Review
 305.90 Parent-Child Visitation (Repealed)
 305.100 Evaluating Whether Children in Placement Should Be Returned Home
 305.110 Termination of Parental Rights
 305.120 Planning for the Termination of Services
 305.130 The Department's Role in the Juvenile Court
 305.140 Compliance With the Client Service Planning Requirements

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5], Section 7.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.1], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 U.S.C. 675 (1991)), Section 2-5 of the Juvenile Court Act of 1987 [705 ILCS 405/2-5], and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 14456, effective December 29, 1981; amended at 8 Ill. Reg. 21570, effective November 1, 1984; amended at 9 Ill. Reg. 7920, effective May 31, 1985; recodified at 16 Ill. Reg. 12772; amended at 16 Ill. Reg. 16552, effective October 19, 1992; amended at 18 Ill. Reg. 17200, effective December 1, 1994; amended at 19 Ill. Reg. 7171, effective June 1, 1995; amended at 19 Ill. Reg. 10487, effective July 1, 1995; amended at 20 Ill. Reg. 9030, effective July 5, 1996; amended at 21 Ill. Reg. 6193, effective May 15, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 305.50 Service Plan

a) Purpose of the Service Plan

The service plan is a written plan which is established between the Department, the purchase of service providers, and, if possible, the children and family served. Service plans approved by the Department are required regardless of whether the children child and family are served directly by the Department or through purchase of service

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

providers. The initial service plan shall be completed within 30 days after of case opening and at least once every six months thereafter. The service plan shall be changed and updated as the child and family's situation changes and shall be reviewed regularly as specified in Section 305.60.

b) Contents of the Service Plan

Service plans shall contain the following information:

- 1) the names of the children for whom the Department is legally responsible and/or to whom the Department is providing services;
- 2) the problems that threaten family stability or could lead to placement of the children away from the family home or have resulted in placement of the children away from the family home and an identification of any problems that are causing continued placement of the children away from the home;
- 3) what outcomes would be considered a resolution to these problems;
- 4) the services to be provided to the parents, the children while in care and the foster parents (if necessary when children are placed in foster care), that may best resolve these problems;
- 5) a description of a child's physical, developmental, educational or mental disability and any non-educational specialized services the child is receiving or should receive for each disability. If an Individual Treatment Plan (ITP) or Rehabilitative Services plan exists for a child, it shall be included in the record;
- 6) a description of the educational program/services the child is receiving or needs to receive (including information regarding Early Intervention, Headstart, or Pre-kindergarten services for preschool children). If an Individualized Education Plan (IEP) or an Individualized Family Service Plan (IFSP) exists for a child, the IEP or IFSP shall be included in the record;
- 7) who will provide the services, how often they will be provided, and an explanation of why these services will meet the needs of the child;
- 8) if children are placed out of the parents' home, the reasons for the out of home placement and an explanation of why that placement setting was chosen;
- 9) if children placed out of the parent's home are placed a substantial distance (more than 150 miles) from the home of the parents or in a different state (in compliance with 89 Ill. Adm. Code 328, Interstate Placement of Children), the reasons why the placement is in the best interests of the children;
- 10) if children placed out of the parent's home are placed in a different state, a requirement that the child be visited periodically, but not less frequently than every 12 months, by a caseworker of the Department or of the state in which the child has been placed, and that the caseworker submit a report on the visit to the Department;

9) if siblings are placed apart from one another, the reason why

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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they are placed apart and what efforts are being made to find a joint placement for the sibling group;

#12) the permanency goal for each child;

#13) the responsibilities of the family and the child (when appropriate) in fulfilling the service plan;

#14) the responsibilities of the Department and purchase of service providers, if any, in fulfilling the service plan;

#15) when children and families are separated, the parent-child visitation plan, if visitation is not prohibited by court order. This plan shall include the time and place of visits, the frequency of visits, the length of visits, and who shall be present at the visits;

#16) the timeframes for achieving the permanency goal and the objectives to resolve identified problems and the specification of any consequences to the child and family if the time frames are not met;

#17) a statement that the parents or children may disagree with the service plan and that they may have their disagreement recorded; and

#18) an explanation of how parents or children may request an appeal and fair hearing.

c) Copies of the Service Plan

Copies of the service plan shall be distributed in accordance with the Department's rules on confidentiality (89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department) to:

- 1) the parents (unless parental rights have been terminated or the Department has filed a petition seeking the termination of parental rights);
- 2) the putative father, if he is participating in planning for the child;
- 3) the purchase of service providers, including the foster parents or relative home caretakers. Foster parents or relative home caretakers will receive copies of the child's portion of the service plan and will receive other portions of the plan when they have successfully completed training prescribed by the Department. Such training will consist of topics related to the service planning and review process, including an overview of the participants, positive communication, especially in confrontational situations, confidentiality requirements and limitations, preparation for visits and reunification;
- 4) the child invited to the case review;
- 5) appropriate Department staff;
- 6) the guardian ad litem and legal representative of the child; and
- 7) the Juvenile Court when the court has jurisdiction. The initial service plan must be submitted to the court within 45 90 days after a child's placement. The most current revised service plan prepared within the prior six months must be submitted to the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

court at least 14 days in advance of the next permanency hearing as required by Section 2-28 of the Juvenile Court Act of 1987 [705 ILCS 405/2-28].

d) Revising the Service Plan

The service plan shall be revised:

- 1) if the current permanency goal is no longer appropriate;
- 2) if the current service plan does not address the child's needs;
- 3) within six months of establishing the original service plan;
- 4) at least every six months thereafter.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Claims, Adjudication, Appeals and Hearings
- 2) Code Citation: 56 Ill. Adm. Code 2720
- 3) Section Numbers:
 2720.1 Proposed Action:
 Amended Section
 2720.112 New Section
- 4) Statutory Authority: 820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302, and 2304.
- 5) A Complete Description of the Subjects and Issues Involved: Section 2720.1 provides definitions of terms related to telephone certification. Section 2720.112 provides for individuals to certify primarily by telephone rather than by mail for unemployment benefits, and, in conjunction with that certification, to maintain a work search record, to be submitted as requested by the Agency.
- 6) Will the proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
2720.30	Amended Section	21 Ill. Reg. 4105
2720.200	Amended Section	21 Ill. Reg. 4105
2720.205	Amended Section	21 Ill. Reg. 4105
2720.210	Amended Section	21 Ill. Reg. 4105
2720.215	Amended Section	21 Ill. Reg. 4105
2720.240	Amended Section	21 Ill. Reg. 4105
2720.245	Amended Section	21 Ill. Reg. 4105
2720.255	Amended Section	21 Ill. Reg. 4105
2720.265	Amended Section	21 Ill. Reg. 4105

- 10) Statement of Statewide Policy Objectives: Not Applicable

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Gregory J. Ramel, Deputy Legal Counsel
 Illinois Department of Employment Security

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

401 South State Street - 2nd Floor South
 Chicago, IL 60605
 312-793-4240

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

This proposed amendment may have an impact on small businesses and not for profit corporations as defined in Sections 1-75 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business or not-for-profit corporation as part of any written comments that they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small business, small municipalities and not for profit corporations affected: The proposed rule affects all employers in the same manner.

B) Reporting, bookkeeping or other procedures required for compliance:
 No special procedures are required.

C) Types of professional skills necessary for compliance: No special skills are required.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY

SUBCHAPTER a: GENERAL PROVISIONS

PART 2720

CLAIMS, ADJUDICATION, APPEALS AND HEARINGS

SUBPART A: GENERAL PROVISIONS

Section	
2720.1	Definitions
2720.3	"Week" In Relation To "Benefit Year"
2720.5	Service Of Notices, Decisions, Orders
2720.7	Application For Electronic Data Transmission
2720.10	Computation Of Time
2720.15	Disqualification Of Adjudicator, Referee, Or Board Of Review
2720.20	Attorney Representation Of Claimants
2720.25	Form Of Papers Filed
2720.30	Correction Of Technical Errors

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section	
2720.100	Filing A Claim
2720.101	Filing, Registering And Reporting By Mail Under Special Circumstances
2720.105	Time For Filing An Initial Claim For Benefits
2720.106	Dating Of Claims For Weeks Of Partial Unemployment
2720.107	Employing Unit Reports For Partial Unemployment
2720.108	Alternative "Base Period"
2720.110	Required Second Visit To Local Office (Repealed)
2720.112	Telephone Certification
2720.115	Continuing Eligibility Requirements
2720.120	Time For Filing Claim Certification For Continued Benefits
2720.125	Work Search Requirements For Regular Unemployment Insurance Benefits (Repealed)

2720.126	Availability For Part Time Work Only (Repealed)
2720.127	Director's Approval Of Training (Repealed)
2720.128	Active Search For Work: Attendance At Training Courses (Repealed)
2720.129	Regular Attendance In Approved Training (Repealed)
2720.130	Employing Unit Protest Of Benefit Payment
2720.132	Required Notice By An Employer Of Separation For Alleged Felony Or Theft Connected With The Work
2720.135	Adjudicator Investigation
2720.140	Adjudicator Determination
2720.145	Payment Of Unemployment Insurance Benefits For Initial Claims
2720.150	Applying For Unemployment Insurance Benefits Under Extension Programs

DEPARTMENT OF EMPLOYMENT SECURITY

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2720.155 Non-Resident Application For Benefits
 2720.160 Reconsidered Findings Or Determination

SUBPART C: APPEALS TO REFEREE

Section	
2720.200	Filing Of Appeal
2720.201	Application For Electronic Data Transmission Of Notice Of Hearing
2720.205	Notice Of Hearing
2720.210	Preparation For The Hearing
2720.215	Format Of Hearings
2720.220	Ex Parte (One Party Only) Communications
2720.225	Subpoenas
2720.227	Depositions
2720.230	Consolidation Or Severance Of Proceedings
2720.235	Withdrawal Of Appeal
2720.240	Continuances
2720.245	Conduct Of Hearing
2720.250	Rules Of Evidence
2720.255	Failure Of Party To Appear At The Scheduled Hearing
2720.265	The Record
2720.270	Referee's Decision
2720.275	Labor Dispute Appeals
2720.277	Prehearing Conference In Labor Dispute Appeal

SUBPART D: APPEALS TO THE BOARD OF REVIEW

Section	
2720.300	Filing Of Appeal
2720.305	Notice Of Appeal
2720.310	Request For Oral Argument
2720.315	Submission Of Written Argument Or Request to Submit Additional Evidence
2720.320	Access To Record
2720.325	Withdrawal Of Appeal
2720.330	Consolidation Or Severance Of Appeals
2720.335	Decision Of The Board Of Review
2720.340	Extensions Of Time In Which To Issue A Board Of Review Decision
2720.345	Issuance Of Notice Of Right To Sue

AUTHORITY: Implementing and authorized by Sections 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302, and 2304 of the Unemployment Insurance Act [820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304].

SOURCE: Adopted at 8 Ill. Reg. 24957, effective January 1, 1985; amended at 10 Ill. Reg. 12620, effective July 7, 1986; amended at 11 Ill. Reg. 14338,

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effective August 20, 1987; amended at 11 Ill. Reg. 18671, effective October 29, 1987; amended at 12 Ill. Reg. 14660, effective September 6, 1988; emergency amendments at 13 Ill. Reg. 11890, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 18263, effective November 9, 1989; amended at 14 Ill. Reg. 15334, effective September 10, 1990; amended at 14 Ill. Reg. 18489, effective November 5, 1990; amended at 16 Ill. Reg. 2556, effective January 30, 1992; emergency amendment at 16 Ill. Reg. 7506, effective April 22, 1992, for a maximum of 150 days; emergency expired September 19, 1992; amended at 17 Ill. Reg. 17937, effective October 4, 1993; amended at 18 Ill. Reg. 16340, effective October 24, 1994; amended at 21 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 2720.1 Definitions

All other terms used in this Part shall have the meaning set forth in definitions, Sections 200 through 247 of the Unemployment Insurance Act [820 ILCS 405/200 through 247] (~~§§11--Rev-Stat-1989--ch-48--pars-310-through 327~~), unless the context requires otherwise. Throughout this Part, the use of terms imparting the masculine gender shall also apply to the feminine gender.

"Act" means the Unemployment Insurance Act, as amended [820 ILCS 405] (~~§§11--Rev-Stat-1989--ch-48--pars-300-et-seq-7~~).

"Adjudicator" means the person authorized to make findings, determinations or recoupment decisions relating to a claimant's eligibility for unemployment insurance benefits.

"Agency" means the Department of Employment Security.

"Appeal" means the process of agency or judicial review of a Finding, Determination or Decision.

"Appellant" means a party who appeals an Agency finding, determination or decision.

"Appellee" means a party to a finding, determination or decision appealed by the appellant.

"Board" means the Board of Review of the Department of Employment Security.

"Call Day" means the day a claimant actually calls to access the Telephone Certification System.

"Certification" means an individual's attestation to facts regarding his eligibility for benefits for a particular period. The Department

DEPARTMENT OF EMPLOYMENT SECURITY

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may provide for certification in person, by telephone, or by mail. In many instances, depending upon the context, the terms "certification" and "certification form" and "claim certification" or the like should be considered synonymous.

"Certification Day" means the day of the week designated for a telephone filer to call to certify for benefits.

"Certification Detail Screen" means the record maintained by the Telephone Certification System of the claimant's responses to questions asked during a completed telephone certification, and the date of the claimant's call to access the system with respect to that completed certification.

"Claims Series" means a week or series of consecutive weeks for which benefit or waiting week credit is granted.

"Claimant" means a person who applies for benefits under the Act.

"Customary Occupation occupation" means the work in which the individual was last engaged or the occupation for which he is best qualified by training, experience, and education.

"Decision" means the statement made by a Referee, the Director or the Board of Review with respect to any appeal from a Finding or Determination relating to rights or obligations under the Act or a statement by an adjudicator that an employing unit's protest is insufficient.

"Determination" means an Adjudicator's statement of whether or not a claimant is eligible for benefits or waiting week credit, and the dollar amount of such benefits for each week with respect to which a claim is made [820 ILCS 405/702] (~~§Section-702-of-the-Act--§11--Rev-Stat-1989--ch-48--par-452~~).

"Director's Representative" means an employee of the Agency designated by the Director of Employment Security to conduct hearings and to recommend decisions to the Director.

"Electronic Data Transmission data-transmission" is a means by which the Director provides an electronic transfer of the "Notice of Claim to Last Employing Unit and Last Employer or other Interested Party" to the data center of the Illinois Department of Central Management Services where the transmission can be retrieved by the employing unit (see Section 2720.7).

"Employing Unit unit" shall have the same meaning as that set forth in Section 204 of the Act [820 ILCS 405/204] (~~§11--Rev-Stat-1989--ch-~~

DEPARTMENT OF EMPLOYMENT SECURITY

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407-par--314+.

"Filing Date" means the date a document was mailed to or received by the Agency, whichever is earlier.

"Finding" means a statement by an Adjudicator of the amount of wages for insured work paid to a claimant during each quarter in the claimant's base period by each employer [820 ILCS 405/701] (Section 701-of-the-Act)-(iii-Rev--Stat--1989--ch--407-par--451+.

"Full-time Work work" is the number of hours a class of workers would customarily work if the employing unit had all of the work it could handle without working overtime. Except where the contrary is provided by a collective bargaining agreement or company policy, full time work is customarily 40 hours per week. For example, 37.5 hours per week is full time work for Illinois State state employees because it is so provided by State state personnel policy.

"Initial Claim claim" means an application for benefits which, meeting all monetary eligibility requirements, commences a claim series.

"Local Office office" means the office of the Agency servicing claimants who live in a specific geographical area.

"Mail Filer" means a claimant who, although he may use the Telephone Certification System, is permitted to certify by mail.

"Monetary Eligibility eligibility" means a claimant's eligibility for a weekly benefit amount of unemployment insurance and the amount of dependency allowance, if any, based on the amount of qualifying wages paid.

"Nonmonetary Eligibility eligibility" means that the claimant has established monetary eligibility and has not been found ineligible or subject to disqualification under the Act from receiving unemployment insurance benefits.

"Part-time Work work" means services not normally required for the customary schedule of full time hours or days prevailing in the establishment in which such services are performed, or services performed by a person who, owing to his personal circumstances or the nature of the work he is qualified to perform, does not customarily work the schedule of full time hours or days prevailing in the establishment in which he is employed [820 ILCS 405/407] (Section-407 of-the-Act)-(iii-Rev--Stat--1989--ch--407-par--407). Generally, part time work will be less than 40 hours per week except where company policy or a collective bargaining agreement provides for a lesser number of hours per week as full time work. In such cases, part time

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work shall be work less than the number of full time hours set by the collective bargaining agreement or company policy.

"Part-total Employment employment" means part-time work with an employing unit other than one's regular employing unit.

Example: The claimant is laid off by Company A, his regular employing unit, as defined in this Section, and accepts temporary, part-time work with Company B, an employing unit other than his regular employing unit. The part-time work with Company B constitutes "part-total employment."

"Partial Employment employment" means part-time work with one's regular employing unit.

"Party" means, with respect to issues of nonmonetary eligibility, the claimant and any employing unit which files a timely and sufficient protest pursuant to Section 2720.130 of this Part. Only a party under Section 702 of the Act may appeal a nonmonetary determination or decision of the Agency regarding eligibility for benefits. With respect to findings under Section 701 of the Act, "Party" means the claimant and any employer whose base period wages are in question. With respect to the issues of sufficiency and timeliness of a protest pursuant to Section 2720.130 of this Part, "Party" means only the employing unit which files the protest.

"Personal Identification Number" or "PIN" means a number that enables the claimant to access the Telephone Certification System. Valid use of a PIN serves as the claimant's signature.

"Protest" means the Agency form, "Employer Notice of Possible Ineligibility," or a letter in lieu thereof, which alleges that the claimant is not entitled to unemployment insurance benefits.

"Referee" means the hearing officer authorized to conduct hearings on appealed Adjudicator findings, determinations or recoupment decisions and to make decisions on the matters appealed.

"Regular Employing Unit employing-unit" is either the employing unit for which an individual expects to continue working and to work full time if business warrants it, or any employing unit for which the individual worked full time for nine consecutive weeks during the preceding 52 weeks.

"Service Area area" means a geographical area served by a local office.

"Services" means not only work actually performed, but the entire employer-employee relationship. Any attachment to an employing unit

DEPARTMENT OF EMPLOYMENT SECURITY

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for which wages are payable constitutes a service for that employing unit.

"Telephone Certification System (TCS)" means a system implemented by the Agency that enables a claimant to certify for benefits or obtain information by touch-tone telephone.

"Telephone Filer" means a claimant who has established a PIN and uses the Telephone Certification System to certify.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section 2720.112 Telephone Certification

a) Except as provided in subsection (c), effective for weeks beginning June 28, 1998, or thereafter, each claimant shall be a telephone filer. Except as provided in subsection (c), selected claimants shall become telephone filers, effective for weeks beginning on or after:

- 1) August 31, 1997, if the claimant is participating in the TCS Field Test Program being administered by Local Office 10 (on East 71st Street in Chicago) and Local Office 30 (in Moline);
- 2) September 28, 1997, if the claimant is filing an initial claim, or is filing after a break in the claim series, or requests to use TCS, and would otherwise submit a certification form to Local Office 10 (on East 71st Street in Chicago) or Local Office 30 (in Moline);
- 3) November 2, 1997, if the claimant is filing an initial claim, or is filing after a break in the claim series, or requests to use TCS.

b) On his "Certification Day," a telephone filer shall call a designated telephone number and enter his PIN as directed and respond to the questions concerning his claim for the prior two weeks. If a telephone filer misses his regular certification day, he may call on Thursday or Friday of that week, or on his certification day or Thursday or Friday of the next week.

c) A mail filer will be sent a copy of the questions concerning his claim for the prior two weeks and shall respond in accordance with the provisions of Section 2720.115(a); provided, a claimant cannot file by mail unless he requests to do so and furnishes such information as the Claims Adjudicator may require to determine:

- 1) He speaks neither English nor Spanish, or
- 2) He is hearing impaired, or
- 3) He has no reasonable access to a touch-tone telephone. In determining whether a claimant has reasonable access to a touch-tone telephone, consideration shall be given, but not

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necessarily limited to, the following factors: the claimant's known physical or mental limitations, the claimant's concerns for his or her safety, and the overall level of effort required to access a touch-tone telephone; an occasional inconvenience or mere preference does not mean a claimant has no reasonable access to a touch-tone telephone.

A) Example: A telephone filer, who has no telephone in his apartment, but has used touch-tone telephones in the lobby of his building and elsewhere in his neighborhood to certify, requests to become a mail filer. His reason is that sometimes he must wait a few minutes for someone to get off the telephone, so he would prefer to be a mail filer. An occasional inconvenience or mere preference does not mean he has no reasonable access to a touch-tone telephone. He cannot be a mail filer.

B) Example: An individual who has been a telephone filer fails to certify and more than two weeks have passed since his certification day. This raises a late reporting issue for the weeks under review, to be resolved by applying the provisions of Section 2720.120(b). Irrespective of how that issue is resolved, if it is found that the claimant no longer has reasonable access to a touch-tone telephone, then, for future weeks, the claimant may certify by mail.

d) A mail filer may become a telephone filer upon his request.

e) A date shown (or absence of a date) on the "Certification Detail Screen" shall be rebuttable evidence that a telephone filer certified (or failed to certify) on that date. If a telephone filer attempts to certify more than two weeks after his certification day, this will result in a delay in the processing of benefit payments and raise a late reporting issue, to be resolved by the application of Section 2720.120(b).

f) A claimant certifying for benefits under this Section, whether he is a telephone filer or mail filer, shall maintain a work search record for each week he is claiming benefits.

1) The work search record shall include the names and addresses of the employing units contacted, as well as the names of specific persons contacted, if possible; the dates and methods of the contacts; the type of work sought; and the results of the contacts.

2) The claimant shall provide his work search record to the Agency upon the Agency's written request.

3) A claimant's failure to provide his work search record as requested may result in a determination or decision being issued that the claimant did not conduct an active work search.

g) Even if the claimant has been denied benefits, he must continue to certify and maintain his work search record, and meet other eligibility requirements of the Act, for each week for which he expects payment upon reversal of that denial.

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h) Upon reasonable notice, the Local Office shall mail to an employing unit, or an attorney or agent of the employing unit, for the purpose of reviewing the claimant's eligibility, a copy of the claimant's responses to certification questions (as they appear on the certification detail screen) and the claimant's work search record. Where an employing unit makes a timely and sufficient protest regarding work search, and benefits are allowed, a copy of the claimant's responses to certification questions and the claimant's work search record shall be sent to the protesting employing unit along with the claims adjudicator's determination regarding the adequacy of the work search.

i) All provisions of this or any other Part, which are not inconsistent with the provisions of this Section, shall remain in effect.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: 121.63
Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: Periodically, research is done on utility costs (heating and cooking fuel, electricity, water, etc.). Based on this research, the Department occasionally raises the food stamp standard utility allowance. As a result of these proposed amendments, the standard utility allowance is being increased from \$209.00 per month to \$211.00 per month.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
121.160	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.162	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.164	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.166	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.170	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.172	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.174	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.176	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.178	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.180	Repeal	May 2, 1997 (21 Ill. Reg. 5410)
121.184	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.188	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.220	New Section	May 2, 1997 (21 Ill. Reg. 5410)
121.221	New Section	May 2, 1997 (21 Ill. Reg. 5410)
121.222	New Section	May 2, 1997 (21 Ill. Reg. 5410)
121.223	New Section	May 2, 1997 (21 Ill. Reg. 5410)
121.224	New Section	May 2, 1997 (21 Ill. Reg. 5410)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

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- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
Phone: (217) 524-0081.

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements
121.24	Individuals Exempt From Work Registration Requirements
121.25	Failure to Comply
121.26	Period of Sanction
121.27	Voluntary Job Quit
121.28	Good Cause for Voluntary Job Quit
121.29	Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder

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121.53 Income From Rental Property
 121.54 Earned Income In-Kind
 121.55 Sponsors of Aliens
 121.57 Assets
 121.58 Exempt Assets
 121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section

121.60 Net Monthly Income Eligibility Standards
 121.61 Gross Monthly Income Eligibility Standards
 121.62 Income Which Must Be Annualized
 121.63 Deductions From Monthly Income
 121.64 Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section

121.70 Composition of the Assistance Unit
 121.71 Living Arrangement
 121.72 Nonhousehold Members
 121.73 Ineligible Household Members
 121.74 Strikers
 121.75 Students
 121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA -
 Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

121.80 Fraud Disqualification (Renumbered)
 121.81 Initiation of Administrative Fraud Hearing (Repealed)
 121.82 Definition of Fraud (Renumbered)
 121.83 Notification To Applicant Households (Renumbered)
 121.84 Disqualification Upon Finding of Fraud (Renumbered)
 121.85 Court Imposed Disqualification (Renumbered)
 121.90 Monthly Reporting and Retrospective Budgeting
 121.91 Monthly Reporting
 121.92 Retrospective Budgeting
 121.93 Direct Mail Issuance of Food Stamp Coupons
 121.94 Replacement of Food Stamp Coupons
 121.95 Restoration of Lost Benefits
 121.96 Uses For Food Coupons
 121.97 Supplemental Payments
 121.98 Food Stamp Simplified Application Demonstration Project (Repealed)
 121.120 Recertification of Eligibility
 121.130 Residents of Shelters for Battered Women and their Children

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121.131 Fleeing Felons and Probation/Parole Violators
 121.135 Incorporation By Reference
 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

121.150 Definition of Intentional Violations of the Program
 121.151 Penalties for Intentional Violations of the Program
 121.152 Notification To Applicant Households
 121.153 Disqualification Upon Finding of Intentional Violation of the Program
 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

121.160 Persons Required to Participate
 121.162 Participation and Cooperation Requirements
 121.164 Orientation
 121.166 Assessment and Employability Plan
 121.170 Job Search Component
 121.172 Basic Education Component
 121.174 Job Readiness Component
 121.176 Work Experience Component
 121.178 Job Training Component
 121.180 Grant Diversion Component
 121.182 Earnfare Component
 121.184 Sanctions
 121.186 Good Cause for Failure to Cooperate
 121.188 Supportive Services
 121.190 Conciliation and Fair Hearings
 121.200 Types of Claims (Recodified)
 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
 121.203 Collecting Claim Against Households (Recodified)
 121.204 Failure to Respond to Initial Demand Letter (Recodified)
 121.205 Methods of Repayment of Food Stamp Claims (Recodified)
 121.206 Determination of Monthly Allotment Reductions (Recodified)
 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
 121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

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SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill.

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Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994;

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amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. _____, effective _____.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.63 Deductions From Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction is \$134.00 per household per month.
- d) Dependent Care Deduction
 - 1) The dependent care deduction consists of payments for the care of
 - a) child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria (contained in 89 Ill. Adm. Code 112.70 through 112.73) or to attend training or pursue education which is preparatory for employment.
 - 2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$160.00 per month for each dependent household member.
- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction
 - 1) The shelter deduction is the amount of shelter costs that exceed 50% of the household's total income after the allowable deductions in subsections (b), (c) and (d) of this Section have been made. The shelter deduction shall not exceed \$250.00.
 - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (1990) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 - 3) Households in which all members are homeless, but are not receiving free shelter throughout the month, are entitled to a

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- \$143.00 per month homeless shelter costs deduction. Homeless households with shelter costs which exceed the homeless shelter costs deduction are allowed to claim the higher shelter costs, if these costs are verified. Homeless households which receive free housing and utilities throughout the month are not entitled to the homeless shelter costs deduction.
- 4) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (f) of this Section.
- 5) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
 - C) the home is not leased or rented during the absence of the household.
- 6) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.
- 9) Utility Costs
 - 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection fees;
 - B) basic service fee for one telephone (including tax on the basic fee) of \$27.00; and
 - C) fees charged by the utility provider for initial installation.
 - 2) Utility deposits are not considered to be utility costs.
 - 3) Those households which are billed for heating or air conditioning, or both, separately from their rent or mortgage may claim the standard utility allowance of \$211.00 per month \$209.00. Households living in rental housing who are billed on a regular basis by a landlord for costs for heating or air conditioning, or both, may use the standard utility allowance if utility usage is determined through a meter or otherwise is verifiable or if the charge for heating or air conditioning, or both, is separate and identifiable. If the standard utility allowance is used, then no other utility costs may be claimed. If actual utility costs exceed the standard utility allowance, then actual, verified costs may be claimed, except that if a

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separately-billed phone expense is claimed only the basic telephone allowance of \$27.00 per month is allowed. The client may switch between the standard utility allowance and actual utility costs only at recertification.

4) However, during the heating or cooling season, a household that is billed less often than monthly for its costs for heating or air conditioning, or both, but is otherwise eligible to use the standard utility allowance, may continue to use the standard utility allowance between billing months.

5) Households in public housing or privately owned rental units which receive a bill for over-usage are not entitled to use the standard utility allowance. When households (as defined at 7 CFR 273.1(a) (1990)) live together, the standard utility allowance shall be divided equally among the households that contribute toward the utility costs whether or not each household participates in the program.

6) Households whose expense for heat or air conditioning, or both, is covered by indirect energy assistance payments under the Illinois Home Energy Assistance Program (47 Ill. Adm. Code 100) shall be entitled to the standard utility allowance (7 CFR 273.9 and 273.10(d)(6) (1990)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or air conditioning, or both, are covered by indirect energy assistance payments.

7) Those households which are not billed separately for either heat or air conditioning are not entitled to claim the standard utility allowance but may claim the actual utility amounts for which they are billed separately, subject to the \$27.00 per month limitation for telephone expense.

h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (1990) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Centers for Independent Living

2) Code Citation: 89 Ill. Adm. Code 886

3) Section Numbers:
Proposed Action:
 886.70 Amendments
 886.80 Amendments
 886.90 Amendments
 886.100 Amendments

4) Statutory Authority: Implementing and authorized by Section 12a of the Disabled Persons Rehabilitation Act [20 ILCS 3443/12a], and 29 U.S.C. 711 and 796.

5) A Complete Description of the Subjects and Issues involved: This amendment changes the review system for Centers for Independent Living by replacing the numerical scoring with a narrative report.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This is not applicable to this Rulemaking.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429
 Telephone number: (217) 785-3896
 TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

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- A) Types of small businesses, small municipalities and not for profit corporations affected: n/a
- B) Reporting, bookkeeping or other procedures required for compliance: n/a
- C) Types of professional skills necessary form compliance: n/a

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER h: MISCELLANEOUS PROGRAMS

PART 886

CENTERS FOR INDEPENDENT LIVING

Section	
886.10	General Provisions
886.20	Definitions
886.30	Purpose
886.40	Funding from DORS for Independent Living Services
886.50	Applications for First-time Funding from DORS for Centers for Independent Living
886.60	Review and Approval of Initial Applications for Funding from DORS
886.70	Compliance Reviews and Recertification <u>of</u> for CILs for Continued Funding
886.80	<u>Impact Scoring</u> of the Compliance Review
886.90	Reporting the Outcome of a Compliance Review
886.100	Funding Based on Compliance Review Outcomes
886.110	Grievance of Compliance Review Ratings

AUTHORITY: Implementing and authorized by Section 12a of the Disabled. Persons Rehabilitation Act [20 ILCS 2405/12a], and 29 U.S.C. 711 and 796.

SOURCE: Adopted at 20 Ill. Reg. 12262, effective August 27, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 886.70 Compliance Reviews and Recertification for CILs for Continued Funding

- a) Annually, or whenever it is determined necessary by DORS, DORS shall conduct an on-site review of all DORS-funded CILs to ascertain whether DORS should renew, modify, or terminate funding agreements with the CIL.
- b) The review shall be completed using a team of peer reviewers which is selected and established by DORS and the Illinois Network of Centers for Independent Living (INCIL), if funding permits. The peer review team shall consist of at least one ~~include--a~~ current CIL director with at least 3 years management experience selected from a list of current CIL directors, at least ~~by-the-CIL-being-reviewed-from-a--list~~ provided-by-DORS-and one member of DORS' Independent Living staff, and at least one person with a disability. DORS reserves the right to select another CIL director, if the director selected is responsible for a CIL that has been found to be out of compliance as a result of a compliance review completed within the last twelve months. ~~who-is-not the-project--officer--for--the-funding--agreement-with-the-CIL-being reviewed:~~ When sufficient funds are not available, reviews shall be reviewed.

DEPARTMENT OF REHABILITATION SERVICES

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completed by only DORS Independent Living staff.

- c) DORS shall review CILs using the criteria established by RSA for review of compliance for CILs receiving funding under Part C, as defined by Section 725(b) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 725(b)).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 886.80 Impact Scoring of the Compliance Review

- a) Impact-of-Compliance-Review-Scoring

Based on the reviewers' observations regarding the CIL's compliance with DORS' requirements, each CIL undergoing a review will be given a written summary which will include both positive and negative aspects of the operations of the CIL. Numerical score for each compliance standard: The scores for each compliance standard will then be totaled to determine the CIL's total compliance rating. The total compliance rating will be used when making final recommendations to DORS Director for continued funding.

- b) Numerical Values for Compliance-Review-Standards

Each compliance standard on which the CIL is being reviewed shall be rated on a 40-point scale with 40 meaning full compliance and 0 points meaning the CIL has failed to meet any portion of the standard.

- c) A total of 40 points shall be available to a CIL undergoing a Compliance-Review based on 10 possible points for each of the 4 compliance standards. Based on this, recommendations for continued funding shall be made as follows:

- 1) 50 or more total points --- Full Compliance
- 2) 40-49 total points --- Partial Compliance
- 3) 30-39 total points --- Noncompliance
- 4) less than 30 total points --- Unacceptable-Noncompliance

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 886.90 Reporting the Outcome of a Compliance Review

- a) Upon completion of the compliance review, the team completing the review shall tabulate all ratings, prepare a written report of findings will be prepared by the Manager of the Division and/or lead reviewer, and provided provide them to the Manager - Division of Independent Living for review.

- b) The Manager - Division of Independent Living shall review the ratings and report to ensure all information is correct and adequate and shall prepare a written recommendation regarding future funding from DORS to the CIL and submit the recommendation to DORS' Director for review.

- c) After the evaluation of the compliance review, the Manager - Division

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of Independent Living shall determine if an additional review is necessary. If the Manager determines that additional review is necessary, the Manager shall notify the CIL in writing that deficiencies were found. The Manager shall initiate the additional review process along with establishing a review team.

- d) DORS' Director shall then review the recommendation and supporting documentation provided by the Manager - Division of Independent Living and make a final determination as to future funding to the CIL.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 886.100 Funding Based on Compliance Review Outcomes

After review of the recommendation and supporting material, DORS' Director shall assign the CIL a final compliance rating, as follows, which will have the impact described below.

- a) Full Compliance Rating - the CIL shall receive funding at the same or an increased level as the current year within the limitation of available funds and the needs of DORS and shall be exempt from undergoing a Full Compliance Review for a period not to exceed 3 years.

- b) Partial-Compliance-Rating - the CIL will be placed on a 6-month probationary status to remedy deficiencies identified in the Compliance-Review. Funding will remain at the same level as the current year, prorated for the 6-month period for the probationary period within the limitation of available funds and the needs of DORS. During the probationary period, DORS shall monitor the progress of the CIL to ensure deficiencies are being corrected. CIL to ensure deficiencies are being corrected. Prior to the end of the 6-month probationary period, DORS shall perform a Compliance Review of the CIL reviewing only those items on which the CIL was found deficient in the second Compliance Review. The CIL must obtain a Full Compliance Rating or funding to the CIL shall be terminated within 30 days. If the CIL achieves a Full Compliance Rating as a result of the second review, the provisions of subsection (a) of this Section shall apply, except that the CIL shall undergo a Full Compliance Review at least once in the next 3 years.

- be) Noncompliance Rating - the CIL will be placed on 12 month probationary status to remedy deficiencies identified in the Compliance Review. Funding will remain at the same level as the current year for the 12 month probationary period within the limitation of available funds and the needs of DORS. During the probationary period, DORS shall monitor the progress of the CIL to ensure deficiencies are being corrected. Prior to the end of the 12 month probationary period, DORS shall perform a Compliance Review of the CIL reviewing only those items on which the CIL was found deficient. In the second Compliance Review, the CIL must obtain a Full Compliance Rating or funding to the CIL shall be terminated within 30 days. If the CIL achieves a Full

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Compliance Rating as a result of the second review, the provisions of subsection (a) of this Section shall apply. ~~7-except-that-the-CIL-shall-undergo-a-pull-compliance-review-the-next-year-and-a-Secondary Compliance-Review-for-each-of-next-two-years.~~

cd) Unacceptable Noncompliance Rating - funding to the CIL will be ceased in 30 days. There will be no probationary period or subsequent review of the CIL.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3) Section Number: Adopted Action:

226.600	New Section
226.605	Amendment
226.615	Amendment
226.620	Amendment
226.622	Amendment
226.625	Amendment
226.632	Amendment
226.633	New Section
226.636	Amendment
226.645	New Section
226.675	Amendment
226.680	Repeal
226.682	Repeal
226.684	Repeal
226.688	Repeal
226.690	Repeal
226.692	Amendment
226.695	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6.
- 5) Effective Date of Rules: July 1, 1997.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rule contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: May 30, 1997.
- 9) Notice of Proposal Published in Illinois Register: January 7, 1997; 21 Ill. Reg. 769.
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Difference(s) between proposal and final version: The entire reference to Section 226.683 has been deleted from the table of contents of the Part.
Section 226.605(a) has been revised to state, "A parent (as defined in Section 226.5 of this Part), a school district, or a student may request an impartial due process hearing."

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Throughout Section 226.605, "child" and "child's" have been replaced with "student" and "student's." Similar changes have also been made in Section 226.615, as well as in Sections 226.636 and 226.675.

The introductory paragraph to Section 226.615 has been revised to state, "Pursuant to Section 226.605 of this Part, the school district, the parent of any student resident within the district, or the student may request an impartial due process hearing. A parent's or student's request for a hearing shall be made, in writing, to the superintendent of the school district in which the student is a resident."

Section 226.615(b) has been revised to state, "When the school district receives a request for a hearing from a parent or from a student, then within five days after its receipt of the request..."

Section 226.615(b)(1) has been restated as follows: "Send a letter to the State Board (attention Division of Program Compliance, in Springfield) requesting the appointment of an impartial due process hearing officer. This letter shall be delivered by certified mail or another means that provides written evidence of the delivery and..."

In Section 226.615(b)(1)(A), "the child and parents" has been changed to "the student and the parent" and "the child or parents" has been changed to "the student or the parent."

In Section 226.615(b)(2), "or another means providing written evidence of delivery" has been inserted after "certified mail."

The proposed subsection (b)(3) has been deleted from Section 226.615.

Section 226.622(a) has been revised to state that an individual "either must hold a master's degree or a juris doctor degree or must hold a bachelor's degree in combination with relevant experience."

The phrase "state-operated elementary and secondary schools," has been inserted after "regional educational cooperatives," in both subsection (a)(2) and subsection (a)(3) of Section 226.622. The language of subsection (a)(3) has also been expanded to refer to "former employees of, and current or former contractors to the State Board of Education."

The phrase "to the Advisory Council on Education of Children with Disabilities" has been deleted from Section 226.622(c). The following sentence has been inserted at the end of subsection (c): "Failure to complete this training course successfully shall result in ineligibility to serve as a hearing officer."

In Section 226.622(f), the word "Sections" has been changed to "Section."

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NOTICE OF ADOPTED AMENDMENTS

Section 226.622(f)(1)(B) has been revised to refer to "a personal, professional, or financial interest which would conflict with his or her objectivity..."

In Section 226.625(a), the phrase, "and using the rotation system called for in Section 14-8.02a(f) of the School Code" has been inserted after "days" and before the comma.

New text has been added at the end of Section 226.625(c): "In the event that both parties submit written requests on the same day and both should be received simultaneously, the State Board of Education shall deem the substitution to have been at the request of the party initially requesting the hearing. The right of the other party to a substitution will thereby be absolutely protected."

The word "originally" has been deleted from Section 226.625(d)(1).

Section 226.632(a) has been revised to refer to "five days after receiving..."

Section 226.633(b) has been revised to require receipt of information "at or prior to the conference."

The phrase "or training as advocates" has been removed from Section 226.636(a).

Section 226.636(f) has been expanded to refer to "either party, or any other person participating in the hearing." The reference to "one of the parties" has been changed to "one of the participants."

Section 226.636(g) has been revised to refer to the "student's educational placement" ("of the child" has been deleted).

A portion of the text in Section 226.645(a) has been capitalized to reflect its statutory origin.

The phrase "or to authorize the court reporter to administer," has been inserted after "administer" in Section 226.645(c)(1).

Section 226.675(a) has been revised to refer to the hearing officer's "conclusions of law and orders."

The proposed new Section 226.683 has been deleted in its entirety.

In Section 226.695, the phrase "to impartial due process hearing officers," has been added after "Disabilities" and "to" has been inserted before "the Screening Committee."

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NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These amendments respond to P.A. 89-652, which was enacted in 1996 and requires major changes in the system for holding impartial due process hearings related to special education. Effective July 1, 1997, Level I and Level II hearings are abolished in favor of a one-step system, necessitating numerous changes in the procedures and requirements set forth in Subpart J of the rules. The title of that Subpart is being changed from "Level I and Level II Due Process Hearings" to "Impartial Due Process Hearings." Several Sections that no longer apply are being repealed, and minor technical corrections are being made.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Shook
Division of Program Compliance
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
(217) 782-5589

The full text of the adopted amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

SUBPART A: DEFINITION OF TERMS

Section
226.5

Terms Defined

SUBPART B: RESPONSIBILITY FOR SPECIAL EDUCATION

Section
226.10
226.20
226.30
226.40

Cost to be Borne by Local School District
Comprehensive Program of Special Education
Cooperative Special Education Programs
Rights of Children Requiring Special Education-Exclusion

SUBPART C: THE ESTABLISHMENT AND ADMINISTRATION OF SPECIAL EDUCATION

Section
226.110
226.115
226.120
226.125
226.130
226.135
226.140
226.145
226.150
226.155
226.160

Educational Needs to be Met
Continuum of Program Options
Ages for Which Programs are to be Available
Least Restrictive Environment
Facilities for Classes for Handicapped
Written Policies for Handicapped Students' Records
Director of Special Education
Supervision
Role of Local District Administrator
Responsibilities to Be In Writing
Approval of Programs and Services Not in Compliance With This Part

SUBPART D: SPECIAL EDUCATION INSTRUCTIONAL PROGRAMS AND RESOURCE PROGRAMS

Section
226.210
226.215
226.220
226.225
226.230
226.240

Design of Special Education Instructional Programs
Curriculum for Instructional Programs
Factors to Consider in Developing Instructional Programs
Instructional Class Size
Integration of Student Into Standard Program
Special Education Resource Programs

SUBPART E: SPECIAL EDUCATION RELATED SERVICES

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NOTICE OF ADOPTED AMENDMENT(S)

Section
226.250 Related Services to be Provided by School District
226.260 Other Related Services
226.270 Student Based Objectives
226.280 Specific Objectives
226.290 Time Spent on Behalf of Students

SUBPART F: PREVOCATIONAL PROGRAM

Section
226.310 Provision of Prevocational Programs
226.315 Determination of Need for Prevocational Program
226.320 Vocational Plan
226.325 Community Work Experiences
226.330 Time Spent in Community Work Experiences
226.335 Supervision of Community Work Experiences
226.340 Coordination With Other Vocational Programs

SUBPART G: HOME OR HOSPITAL PROGRAM

Section
226.350 Content of Home and Hospital Programs
226.355 To Whom Provided
226.360 Commencement
226.365 Amount of Instruction and Related Services
226.370 Scheduling
226.375 Summer Instructional Service
226.380 Conferences to Facilitate Student's Return
226.385 Improper Use of Home and Hospital Program

SUBPART H: STATE OPERATED OR PRIVATE PROGRAMS

Section
226.410 Referral to State or Private Facilities
226.415 Availability of Community Resources
226.420 Residential Placement
226.425 District's Responsibility to Locate Alternate Programs
226.430 Local District Responsible for Payment When Private Facility is Utilized
226.435 Annual Approval of Private Placements
226.440 Agreement Between Local School District and Private Facility
226.442 Supportive Data to be Maintained
226.445 Transportation and Other Services
226.450 Monitoring of Student Progress by School District
226.460 Annual Transportation (Repealed)

SUBPART I: IDENTIFICATION, EVALUATION AND PLACEMENT

Section

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT(S)

226.505 Communication of Special Education Programs to Public
226.510 Child Find Activities
226.515 Case Study Evaluation Process
226.520 Notification to Parents of Exceptional Children
226.525 Parental Consent
226.530 Parental Objection
226.532 Determination of Communication Mode(s) and Cultural Background
226.535 Case Study Evaluation Components
226.538 Incomplete Case Study Evaluation
226.540 Case Study to be Nondiscriminatory
226.542 Use of Outside Study
226.544 Independent Educational Evaluation
226.545 Home/Hospital Services Eligibility
226.548 Speech and Language Case Study Conclusions
226.550 Formulation of Program and Service Options
226.552 Characteristics Determining Eligibility for Special Education
226.555 Determination of Recommendations for Special Education and Related Services Eligibility
226.558 Results and Recommendations to be in Writing
226.560 Development of IEP and Placement Decision
226.562 IEP Content and Parental Access
226.564 Authority of School Board to Place Students
226.566 Completion to be in 60 School Days
226.568 Notice to Parents Before Placement
226.570 Parents' Response to Notice of Proposed Placement
226.572 Parents' Objection to Proposed Placement (Repealed)
226.575 Timeline for Placement
226.578 Annual Review of Child Status
226.580 Notice to Parents Regarding Evaluation
226.585 Written Notice to Parents
226.590 Written Notice to Parents Prior to Change in Placement
226.595 Termination of Special Education Services

SUBPART J: IMPARTIAL EVALUATION AND DUE PROCESS HEARINGS

Section
226.600 Calculation of Timelines
226.605 Request for Hearing
226.610 Information to Parents Concerning Right to Hearing
226.612 Request for Hearing To Be Made to Superintendent (Repealed)
226.615 Procedure for Request for Hearing
226.620 Denial of Hearing Request (Repealed)
226.622 Qualifications, Training, and Service of Impartial Due Process Hearing Officers
226.625 Appointment of Impartial Due Process Hearing Officer
226.630 Purpose of Hearing (Repealed)
226.631 Removal of Registered Hearing Officers (Repealed)
226.632 Scheduling the Hearing and Pre-Hearing Conference

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226.633	Conducting the Pre-Hearing Conference
226.635	Hearings Open to Public and to Child Who is Subject (Repealed)
226.636	Rights of the Parties Prior to the Hearing
226.640	Rights of the Parties During the Hearing
226.645	Powers and Duties of Hearing Officer
226.650	Hearing Concerning Any Other Controversy (Repealed)
226.655	Local School District's Responsibility (Repealed)
226.660	Cross-Examination (Repealed)
226.665	Rules of Evidence Not Applicable (Repealed)
226.670	Record of Proceedings
226.675	Decision of Hearing Officer; <u>Clarification</u>
226.680	Filing of an Appeal (Repealed)
226.682	Filing of Administrative Record (Repealed)
226.684	Placement of the Child Pending Completion of a Level II Review (Repealed)
226.685	State Level Review (Repealed)
226.688	Oral Arguments and Extensions of Time (Repealed)
226.690	Timeliness and Finality of Reviewing Officer's Decision (Repealed)
226.692	Monitoring and Enforcement of Decisions; Right-of-Civil-Action
	Notice of Funding Ineligibility
226.695	Reporting of Decisions
226.698	Enforcement of State Superintendent's Decision (Repealed)

SUBPART K: SURROGATE PARENTS

Section	
226.710	Surrogate Parents
226.720	Contacting Parents of Child
226.730	Appointment of Surrogate Parent
226.740	Notice to School District Concerning Surrogate Parent
226.750	Expenses for Surrogate Parent
226.760	Notification that Surrogate Parent is Not Needed
226.770	Replacement by Natural Parent
226.780	Immunity of Surrogate Parent

SUBPART L: SPECIAL EDUCATION PERSONNEL

Section	
226.810	Employment of Sufficient and Trained Personnel
226.820	Qualifications of Professional Instructional Personnel
226.830	Qualifications of Other Professional Personnel
226.838	Qualified Bilingual Specialists
226.840	Qualifications of Directors and Assistant Directors
226.850	Qualifications of Supervisory Personnel
226.860	Qualifications of Chief Administrator
226.870	Necessary Noncertified Personnel
226.880	Function of Special Education Personnel
226.890	Personnel Development Program

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SUBPART M: SPECIAL TRANSPORTATION

Section	
226.910	Eligibility for Transportation
226.920	Vehicles Used
226.930	Training of Personnel
226.935	Provision for Transportation
226.938	Change in Mode of Transportation
226.940	Scheduling of Transportation
226.950	Transportation and Instructional Schedule
226.960	Transportation to a Residential School

SUBPART N: EVALUATION OF SPECIAL EDUCATION

Section	
226.1010	Evaluation By State Board
226.1020	Bases of Evaluation
226.1030	Elements of State Board Evaluation
226.1040	Availability of State Board Evaluation
226.1050	Effect of Evaluation on School District

SUBPART O: SPECIAL EDUCATION SERVICES FOR CHILDREN IN
RESIDENTIAL CARE FACILITIES

Section	
226.1110	Equal Access for Children in Residential Care Facilities
226.1112	Definitions from Section 14-7.03
226.1115	Exclusions When Implementing Section 14-7.03
226.1120	Enrollment in District Required
226.1125	Requirements for Educational Program on Site of Orphanage or Children's Home
226.1130	Approval of Special Education Program at Orphanage or Children's Home
226.1135	Least Restrictive Environment
226.1140	IEP for All Children
226.1145	Compliance With This Part Subject to State Board of Education Evaluation
226.1150	Criteria for Eligibility of Children
226.1155	Resident Children Eligible for All Privileges
226.1160	Local District Policies Applicable
226.1170	Communications Regarding Child's Special Education
226.1175	Reimbursement
226.1180	Possible Waiver of Sections 226.1120 and 226.1150
226.1185	Computation of District's Reimbursement
226.1190	Preapproval Application
226.1195	Documentation of Expenses

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 14 (see P.A. 89-652, effective August 14, 1996)]

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and 2-3.61.

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20 Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. 7655.

SUBPART J: IMPARTIAL BEVEB-1-AND-BEVEB-11 DUE PROCESS HEARINGS

Section 226.600 Calculation of Timelines

For purposes of compliance with the requirements of Section 14-8.02a of the School Code [105 ILCS 5/14-8.02a; see P.A. 89-652, effective August 14, 1996] and the timelines set forth in this Subpart J, "days" shall be construed in accordance with Section 1.11 of the Statute on Statutes [5 ILCS 70/1.11].

(Source: Added at 21 Ill. Reg. 7655, effective August 14, 1996.)

Section 226.605 Request for Beve1-1 Hearing

- a) A parent (as defined in Section 226.5 of this Part), a school district, or a student ~~the parents or other representatives of the child; the school district; or the student acting upon his or her own behalf~~ may request an impartial due process ~~a Beve1-1~~ hearing. b) A ~~Beve1-1~~ hearing may be requested for, but not limited to, the following reasons:
- 1) Objection to signing consent for a proposed case study evaluation or initial placement.

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- 2) Failure of the local school district, upon request of the parents, other persons having primary care and custody of the student child, the student child, or the State Board of Education (in this Subpart, the State Board), to provide a case study evaluation.
 - 3) Failure of a local school district to consider evaluations completed by qualified professional personnel outside the school district.
 - 4) Objection to a proposed special education placement, either an initial placement, a continuation of a previous placement, or a change in the placement.
 - 5) Termination of a special education placement.
 - 6) Failure of the local school district to provide a special education placement consistent with the finding of the case study evaluation and the recommendations of the multidisciplinary conference.
 - 7) Failure of the local school district to provide the least restrictive special education placement appropriate to the student's child's needs.
 - 8) Provision of special education instructional or resource programs, or related services in an amount insufficient to meet the student's child's needs.
 - 9) Recommendation for the graduation of a student an exceptional child.
 - 10) Failure of the local school district to ensure compliance with the provisions of Section 226.40 of this Part.
 - 11) Failure of the local school district to comply with any provision of this Part or ~~of these rules and/or~~ the School Code.
 - 12) Failure of the local school district to provide a student an exceptional child with a free appropriate public education.
- c) Receipt of a request for an impartial due process hearing shall cause the student child to remain in his or her current education placement, unless a mutual agreement is reached between the parents and local school district, until the matter is resolved.
- d) If the student child is receiving no educational service and the parents are seeking initial placement in a public school, the student child, with the consent of the parents, must be placed in the public school program until the completion of all the proceedings.

(Source: Amended at 21 Ill. Reg. 7655, effective August 14, 1996.)

Section 226.615 Procedure for Request for Hearing

Pursuant to Section 226.605 of this Part Subpart, either the school district, or the parent parents of any student child resident within the district, or the student may request an impartial due process ~~a Beve1-1~~ hearing. A parent's or student's parental request for a hearing shall be made, in writing, to the superintendent of the local school district in which the student child is a

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resident.

a) If the district makes the request, it shall be sent in writing to the State Board, Attention Division of Program Compliance ~~Special Education-Department~~, in Springfield, and at the same time a copy shall be sent to the other party. This letter shall include the information set forth in subsections ~~subsection (b)(1)(A), (C) and (D)~~ of this Section.

b) When the ~~local~~ school district receives a request for a ~~Level-I~~ hearing from a parent or from a student ~~the parents-of-the-child~~, then within five ~~(5)~~ ~~school~~ days after of its receipt of the request the ~~local-school~~ district shall:

1) Send a certified letter to the State Board (Attention Division of Program Compliance ~~Special-Education-Department~~, in Springfield) requesting the appointment of an impartial due process ~~a-level-I~~ hearing officer. This letter shall be delivered by certified mail or another means that provides written evidence of the delivery and shall include:

A) the name, address, and telephone number of the student and the parent ~~child-and-parents~~, and of the person making the request for the hearing, if it is someone other than the student or the parent ~~child-or-parents~~;

B) the date on which the request for the hearing was received by the local school district;

C) the nature of the controversy to be resolved;

D) the primary language spoken by the parents and student ~~child~~; and

E) a copy of the parent's request.

2) Send to the person requesting the hearing, by certified mail or another means providing written evidence of delivery, a copy of the letter sent to the State Board.

A) If the hearing has been requested by someone other than the student's ~~child's~~ parents, the district shall inform the parents by certified mail of the request and invite them to participate in the proceedings.

B) All references to parents made in the remainder of this Subpart shall be understood to include both the parents and the person requesting the hearing.

(Source: Amended at 21 Ill. Reg. 76857, effective _____)

Section 226.620 Denial of Hearing Request ~~(repealed)~~

A request for an impartial due process hearing may not be denied for any reason.

(Source: Old Section repealed at 15 Ill. Reg. 40, effective December 23, 1990; amended at 21 Ill. Reg. 76857, effective _____)

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Section 226.622 Qualifications, Training, and Service of Impartial Due Process Level-I Hearing Officers

a) In order to be considered for training as an impartial due process hearing officer, an individual either must hold a master's degree or a juris doctor degree, or must hold a bachelor's degree in combination with relevant experience.

1) For purposes of this Subpart J, "relevant experience" means at least three years' experience, whether paid or voluntary, in special education, disability-related issues, or advocacy.

2) Employees of the State Board of Education, school districts, special education cooperatives, state-operated elementary and secondary schools, regional service areas or centers, regional educational cooperatives, state-operated elementary and secondary schools or private providers of special education facilities or programs may not serve as impartial due process hearing officers. (See Section 14-8.02a(c) of the School Code.)

3) Except as provided in Section 14-8.02a(f) of the School Code, former employees of, and current or former contractors to the State Board of Education, school districts, special education cooperatives, regional service areas or centers, regional educational cooperatives, state-operated elementary and secondary schools or private providers of special education facilities or programs shall not be disqualified as potential hearing officers by virtue of such employment or service.

b) An individual wishing to qualify as an impartial due process hearing officer shall submit an application to the State Board. In completing the application form, which shall be provided by the State Board, the individual shall disclose at least the following information:

- 1) name and address;
- 2) degree(s) held any baccalaureate or advanced degrees received;
- 3) current employment status, including if applicable the employer's name and the title of the employee's position; and
- 4) school district of residence; and
- 5) professional background and relevant experience.

b) In order to qualify, the individual must hold at least a baccalaureate degree or higher from a college or institution of higher education accredited by the North Central Association or other comparable regional accrediting association and may not be employed by the State Board.

c) Persons who have complied with the requirements of subsections (a) and (b) of this Section shall, if recommended by the Screening Committee pursuant to Section 14-8.02a(b) of the School Code, then take and successfully complete a training course conducted by the State Board as provided in subsection (d) of this Section 14-8.02a(d) of the School Code. Failure to complete this training course successfully shall result in ineligibility to serve as a hearing officer.

d) From among the candidates successfully completing the initial

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training, the Advisory Council on Education of Children with Disabilities shall select the number of hearing officers deemed necessary by the State Board of Education. Such selection shall be based upon objective criteria developed and made available to the public by the Advisory Council. The State Board shall at least annually conduct a training course to provide instruction in applicable federal and state law, regulations, and case law to persons who have qualified pursuant to subsections (a) and (b) of this Section. The State Board shall maintain a list of all persons who have qualified for instruction to become level I hearing officers, which list shall be in addition to the registry of currently qualified level I hearing officers. The State Board shall send written notice to all listed applicants and to the current level I hearing officers at least thirty (30) calendar days prior to the convening of the training course. The State Board shall, upon completion of each training course, certify as level I hearing officers those persons attending who have satisfactorily demonstrated by examination that they have acquired sufficient familiarity with federal and state law, regulations, and case law as to be certifiable to serve as level I hearing officers. The State Board shall place the names of such persons on the level I hearing officer registry, and shall make their names available for selection as level I hearing officers on the same basis as previously certified persons. Level I hearing officers attending a training course in order to remain certified as hearing officers shall be excused from the examination administered to applicants.

e) All persons whose names appear on the registry shall be eligible to serve as level I hearing officers. Such eligibility shall continue for so long as the individual meets all qualification requirements set forth in Section 14-8.02(g) of the School Code and in this Section and does not become subject to disqualification as provided in subsection (f) of this Section.

e)f) Each level I hearing officer shall at least annually attend a review session and/or training course authorized by the State Board. The State Board shall ensure that such review sessions are offered at least annually. Failure to attend a required annual review session or training course shall result in the hearing officer's termination removal from the registry of qualified hearing officers.

f) Conditions of Service

Hearing officers' terms of service and subsequent reappointment shall be as provided in Section 14-8.02a(d) and (e) of the School Code.

1) A hearing officer shall accept each case to which he or she is assigned, unless:

- A) the hearing officer is ill;
- B) the hearing officer has a personal, professional, or financial interest which would conflict with his or her objectivity with respect to a particular case; or
- C) the hearing officer is ineligible to accept a particular case pursuant to Section 226.625(a) of this Part.

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2) A hearing officer whose other commitments will interfere with his or her ability to accept cases for more than 15 days shall so notify the State Board of Education in writing.

(Source: Amended at 21 Ill. Reg. 14.02, effective 11/1/90)

Section 226.625 Appointment of Impartial Due Process Selection of Level I Hearing Officer

a) Upon receipt of a request for a level I hearing the State Board shall, within five (5) working days and using the rotation system called for in Section 14-8.02a(f) of the School Code, appoint an impartial due process hearing officer and notify that individual and the parties of his or her appointment. Prior to making any appointment, the State Board shall review the background of the prospective appointee in order to establish that: send to the parties by certified mail a list of the names of the first five registered level I hearing officers who possess the qualifications set forth in this subsection; in selecting the names of the hearing officers to be sent to the parties, the State Board shall ensure that the following criteria are met:

- 1) the individual has never been employed by or administratively connected with the school district or special education cooperative involved in the case; No one on the list shall be a resident in the school district;
- 2) the individual is not a resident of the district involved; and No one on the list shall be employed by the district involved in the dispute; or by any cooperative program in which the district participates; or by any other agency or organization that is directly involved in the diagnosis, education or care of the child;
- 3) the prospective appointee has no apparent personal, professional, or financial interest that would interfere with his or her objectivity regarding the matter at issue. No more than two persons named on the list shall be gainfully employed by or serve in any other compensated administrative position or capacity with any school district or any joint agreement or cooperative program in which school districts participate.
- 4) No more than two persons named on the list shall be gainfully employed by or serve in any other compensated administrative position or capacity with private providers of special education services;
- 5) the names on the list shall be of those who are available to serve as hearing officers if selected by the parties. For purposes of availability for selection, a hearing officer shall be deemed available unless the officer:
 - A) is ill;
 - B) is already serving as a hearing officer in another dispute

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and does not wish to serve in simultaneous hearings;
 E) has other professional commitments which would preclude discharging his or her duties in a timely manner in which case the hearing officer shall notify the State Board in writing of his or her unavailability if it is expected to continue for more than thirty (30) calendar days; or
 B) declines to be available which a hearing officer may do twice without explanation within any given twelve-month period.

b) An appointee who does not meet the requirements set forth in subsection (a) of this Section shall recuse himself of himself within five days after receiving notification of the appointment. Notification to the State Board of such recusal may occur by telephone, provided that a written statement is also supplied. Upon receipt of the list by the parties they shall proceed with the parents having the right to strike first, to strike from the list alternately the names of the hearing officers until only one name remains. The hearing officer whose name remains shall thereby have been selected as the hearing officer. Upon selection by the parties of the hearing officer, the district shall immediately notify the State Board, Department of Special Education, by telephone of the name of the hearing officer selected and shall transmit the name in writing to the State Board no later than the fifth calendar day after receipt of the list by the parties.

c) A party to a due process hearing shall be permitted one substitution of a hearing officer as a matter of right (Section 14-8.02a(f) of the School Code). A request for a substitute hearing officer shall be made in writing to the State Board of Education within five days after receipt of notification of the hearing officer's appointment. In the event that both parties submit written requests on the same day and both should be received simultaneously, the State Board of Education shall deem the substitution to have been at the request of the party initially requesting the hearing. The right of the other party to a substitution will thereby be absolutely protected. Upon receiving notice by telephone from the district of the name of the hearing officer selected by the parties, the State Board shall inform said officer of this fact by telephone, including the names, addresses and if available, the telephone number of the persons to be contacted as the representatives of the parties to the hearing. The State Board shall also send this information in writing to the selected hearing officer within two (2) working days of its receipt of written notification from the district pursuant to subsection (b) of this Section. The State Board shall place the names of the four hearing officers not selected at the bottom of the list of hearing officers.

d) Section 14-8.02a(f) of the School Code contemplates two situations requiring the appointment of a hearing officer other than the individual who originally receives the case under the rotation system and specifies different methods of selecting a replacement.

1) When the appointed hearing officer is unavailable or recuses

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himself or herself before the parties are notified of his or her appointment, the State Board shall appoint the next scheduled hearing officer under the rotation system.

2) When a hearing officer recuses himself or herself after learning the circumstances of a case, or when a party to the hearing submits a proper request for substitution, the State Board shall, within five days, select and appoint another hearing officer at random.

(Source: Amended at 21 Ill. Reg. 7655, effective 8/1/84)

Section 226.632 Scheduling the Hearing and Pre-Hearing Conference

a) Within five (5) calendar days after of receiving written notification by the State Board, the appointed selected hearing officer shall contact the parties to determine a time and place reasonably convenient to the parties and otherwise in accordance with Section 14-8.02a(g) of the School Code for convening the hearing and pre-hearing conference.

b) The hearing officer shall provide the parties at least ten days' written notice of the dates, times, and locations of the pre-hearing conference and the hearing. The hearing shall be scheduled at a time and place reasonably convenient for the parties. The hearing shall be convened within fifteen (15) calendar days of the hearing officer's receipt of the written notice of selection from the State Board unless in the judgment of the hearing officer extenuating circumstances warrant a delay.

c) Either party may request a delay in convening the hearing and/or pre-hearing conference. The party requesting a delay shall do so in writing to the hearing officer, with a copy sent at the same time to the other party. The requesting party shall set forth the reasons for the request and the hearing officer shall, upon receiving the request, and subject to the provisions of Section 226.636(c) of this Part, either grant or deny the request, and shall so inform the parties and the State Board of Education in writing. If necessary, the hearing officer shall determine a new time and date for convening the hearing and/or pre-hearing conference.

1) If the parties jointly propose to the hearing agree to a delay in convening the hearing or pre-hearing conference, it the hearing shall be delayed as agreed. The hearing officer, being advised of such agreement, shall confirm the delay in writing to the parties and the State Board of Education. Such notice shall become part of the administrative record.

2) If the parties cannot agree to a mutually convenient time and place for convening the hearing and/or pre-hearing conference, the hearing officer shall fix such time and place, notify the parties in writing, and proceed to convene and conduct the pre-hearing conference and hearing, provided that the delay shall

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not continue for a period longer than necessitated by the exigent circumstances that precipitated the delay.

(Source: Amended at 21 Ill. Reg. 7672, effective 11/1/83)

Section 226.633 Conducting the Pre-Hearing Conference

- a) The hearing officer shall convene the pre-hearing conference in accordance with Section 14-8.02a(g) of the School Code.
- b) Any party to the pre-hearing conference shall be permitted to participate by teleconference (Section 14-8.02a(g) of the School Code). It shall be the responsibility of the parties to ensure that any information required at the pre-hearing conference is received by the hearing officer and the other party at or prior to the conference.
- c) At the conclusion of the pre-hearing conference, the hearing officer shall prepare a report of the conference that shall be entered into the hearing record. The report shall include, but need not be limited to:
 - 1) the issues, the order of presentation, and any scheduling accommodations that have been made for the parties or witnesses;
 - 2) a determination of the relevance and materiality of documents or witnesses, if raised by a party or the hearing officer; and
 - 3) such stipulations of fact as have been agreed to during the pre-hearing conference.

(Source: Added at 21 Ill. Reg. 7672, effective 11/1/83)

Section 226.636 Rights of the Parties Prior to the Hearing

- a) The parties have the right to be represented at their own expense by counsel, or to be represented and assisted by other persons having special knowledge of this Party, or training as advocates. The district shall inform the parents of any free or low cost legal services which may be available in their area, and of the availability of publicly funded advocacy services. ~~the parties may be represented as indicated herein throughout the level I hearing and if it is held the level II review.~~
- b) The parents may inspect and review all school records pertaining to their child and, subject to the provisions of 23 Ill. Adm. Code 375.50 (Student Records), may obtain copies of any such records at their own expense.
- c) The parents shall have access to the district's list of independent evaluators, and may obtain an independent evaluation of their child at their own expense. If acquisition of a completed independent evaluation requires a delay in convening the hearing, the parents shall request such delay as provided in Section 226.632(c) of this Part. The hearing officer shall thereupon delay the hearing until

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such time as the independent evaluation is completed, the report is available, and the opposing party has been afforded, in the judgment of the hearing officer, a reasonable opportunity to review it. The parents may ask the hearing officer to determine whether an independent evaluation is needed. The parents may ask the hearing officer to consider whether an independent evaluation is needed. If the hearing officer concludes, after reviewing the available information, that an independent evaluation is necessary to inform the hearing officer concerning the services to which the student child may be entitled, it shall be so ordered and provided at local school district expense. The hearing officer shall thereupon delay the hearing as provided for herein.

- d) Either party to the hearing has the right to the disclosure at least five ~~(57-centendae~~ days prior to the hearing of any evidence to be introduced.
- e) Either party may compel the attendance of any school district employee at the hearing, or any other person who may have information relevant to the needs, abilities, the proposed program, or the status of the student child. At the request of either party, the hearing officer shall issue subpoenas to compel the testimony of witnesses or the production of documents relevant to the case at issue. If any person refuses to comply with a subpoena issued under this Section, court action may be sought as provided in Section 14-8.02a(g) of the School Code. ~~for the attendance of witnesses upon a showing by the party requesting issuance that the evidence or testimony sought is reasonably necessary to a fair resolution of an issue or issues in dispute and that the evidence or testimony sought may not be otherwise available.~~

- f) Either party, or any other person participating in the hearing, may request that an interpreter be available during the hearing because one of the participants parties is hearing impaired and/or uses a primary language other than English. Such interpreters shall be provided at the public provider's expense.

- g) The student's educational placement of the child shall not be changed pending completion of the level I hearing except as provided in Section 14-8.02a(j) of the School Code 226-604 of this Part.

(Source: Amended at 21 Ill. Reg. 7672, effective 11/1/83)

Section 226.645 Powers and Duties of Hearing Officer

- a) Once appointed, the impartial due process hearing officer shall not communicate with the State Board of Education or its employees concerning the hearing and shall not initiate or participate in any ex parte communications with the parties, except as provided in Section 14-8.02a(g) of the School Code.
- b) The hearing officer shall disclose any actual or potential conflict of interest to the parties upon learning of such a conflict.

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c) The hearing officer shall conduct the hearing and, with respect thereto, shall have but not be limited to the following powers:

- 1) To administer, or to authorize the court reporter to administer, oaths;
- 2) To examine witnesses;
- 3) To issue subpoenas;
- 4) To rule upon the admissibility of evidence;
- 5) To order independent evaluations;
- 6) To grant specific extensions of time;
- 7) To read into the hearing record any stipulations of fact and other matters agreed upon at the pre-hearing conference and to enter into the record any pre-hearing orders;
- 8) To render decisions and issue orders and clarifications.

d) The hearing officer shall comply with applicable timelines established in Section 14-8.02a of the School Code.

(Source: Added at 21 Ill. Reg. 7674, effective

Section 226.675 Decision of Hearing Officer; Clarification

a) Within ten (10) school days after the conclusion of the hearing, the hearing officer shall issue a written decision which sets forth the issues in dispute, findings of fact based upon the evidence and testimony presented, and the hearing officer's conclusions of law and orders. The hearing officer shall determine whether the evidence establishes that the student child has needs which require special education services, and if so whether such services and placement as are being proposed or provided by the district are appropriate given the student's identified needs of the child. The hearing officer shall order the parties to take all steps necessary to ensure appropriate placement and services for any student child found to be eligible for special education services. The hearing officer shall specify the procedures necessary to ensure timely compliance with his or her order, in accordance with Section 14-8.02a(j) of the School Code which compliance period shall not exceed thirty (30) calendar days unless exceptional circumstances exist which in the hearing officer's judgment warrant a delay in implementation. In instances of delay the hearing officer shall detail the procedures to be followed to ensure compliance within a specified additional period of time.

b) The hearing officer's decision shall be sent by certified mail to the parties enumerated in Section 14-8.02a(h) of the School Code and a copy sent by certified mail to the State Board. The decision shall be translated into the native language of the parents if their primary language is other than English.

c) The written decision shall be binding upon the parties unless a party aggrieved by the decision commences a civil action as provided in Section 14-8.02a(i) of the School Code files an appeal as provided in Section 226-680 of this Part.

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d) As provided in Section 14-8.02a(h) of the School Code, the hearing officer shall retain jurisdiction after issuance of his or her decision for the sole purpose of considering a request for clarification. A request for clarification shall be submitted and acted upon as provided in Section 14-8.02a(h) of the School Code.

e) The hearing decision, if not appealed pursuant to subsection (c) of this Section, shall be enforced by the State Board as provided in Section 226.692 226-692(a) of this Part.

(Source: Amended at 21 Ill. Reg. 7674, effective

Section 226.680 Filing of an Appeal (Repealed)

a) Any party aggrieved by the decision of the level I hearing officer may file for a level II review. The appeal request shall be in writing and shall be filed by mail or personal service no later than thirty (30) calendar days after receipt by the party of the level I hearing officer's decision and shall be submitted to the State Board of Education, attention: Begai Department, 100 North First Street, Springfield, Illinois 62777. At the time of filing the appeal, the opposing party shall serve a copy of the appeal request upon the opposing party by mail or personal service.

b) A request for a level II review shall:

- 1) state that an appeal of a level I decision is being requested;
- 2) set forth the portions of the level I decision with which the party disagrees;
- 3) set forth the reasons the decision should be changed;
- 4) state the relief requested;
- 5) set forth a request for oral argument, if desired; and
- 6) state that a copy of the request has been served on the opposing party.

c) Upon receipt of any appeal request, the State Board of Education shall immediately transmit to the parties by certified mail a list naming five available and qualified impartial reviewing officers. Upon receipt of said list, the district's representative shall immediately telephone the parties. The parties shall then, with the parents striking first, alternately strike names from the list of reviewing officers until only one name remains. The reviewing officer whose name remains shall be the reviewer selected by the parties. The district shall, no later than five (5) calendar days after receipt of the list by the parties, telephone the Begai Department of the State Board of Education and provide the name of the selected reviewing officer. The district shall simultaneously send verification in writing by certified mail of the name of the selected reviewing officer to the Begai Department of the State Board of Education and to the opposing party.

d) To ensure immediate transmittal of the list of five qualified reviewing officers, the Begai Department of the State Board of

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Education shall maintain a registry of all persons qualified pursuant to Section 14-0.02(h) of the School Code (Ill. Rev. Stat., 1991, ch. 127, par. 14-0.02(h)) (105 ILCS 5/14-0.02(h)). The Segal Department shall ensure that each person on the list of five reviewing officers to be sent to the parties is trained as provided by Section 14-0.02(h) of the School Code; is not subject to disqualification pursuant to any of the restrictions provided for in the statute affecting impartiality, and is not presently conducting a level II review. Upon request for appeal, the Segal Department shall confirm the availability of the persons whose names will appear on the list to be transmitted to the parties. The State Board of Education shall send to the parties the names of the first five reviewing officers from the registry who are available and possess the qualifications set forth in this subsection. Upon receiving notice by telephone from the district of the name of the selected impartial reviewing officer, the Segal Department shall immediately notify the reviewing officer selected. The State Board shall place the names of the reviewing officers not selected on the bottom of the registry list.

(Source: Repealed at 21 Ill. Reg. 7655, effective 11/1/90)

Section 226.682 Filing of Administrative Record (Repealed)

- a) Within ten (10) calendar days of receipt of the notice of appeal, the district shall transmit to the State Board of Education, attention Segal Department, 100 North First Street (W-475), Springfield, Illinois 62777-0801, a complete administrative record of the level II hearing which shall include:
- 1) a transcript of the hearing with an index of witnesses;
 - 2) records and reports presented at the hearing with index; and
 - 3) other exhibits and materials presented at the hearing with index.
- b) The district shall simultaneously also send a copy of the administrative record to the parents and shall retain a copy. The administrative record sent to the State Board of Education and the parents shall be sent by certified mail or other means which is reasonably calculated to assure delivery and provides a record of when and where the record was delivered. Upon receipt of the administrative record, the State Board of Education shall immediately send it by certified mail or other means which is reasonably calculated to assure delivery and provides a record of when and where the record was delivered, together with the appeal request, to the reviewing officer who was selected by the parties.
- c) Failure by the district to send the administrative record to the State Board of Education within ten (10) calendar days after the date the district files an appeal request or receives a copy of the other party's appeal request shall constitute an undue delay of the appeal.

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In such event, the parents may request by written certified mail to the reviewing officer, with a copy sent to the district and to the State Board of Education, within fifteen (15) calendar days after the date the parent files an appeal request or receives a copy of the district's appeal request, that the reviewing officer find the district to be in default and enter a ruling granting the parents the relief requested. The district shall have three (3) days from receipt of the request to respond in writing to the request for a default ruling. The reviewing officer shall review the request and the response. The reviewing officer may grant such request in whole or in part and order the relief upon finding the district in default for failing to file the record in a timely manner.

(Source: Repealed at 21 Ill. Reg. 7655, effective 11/1/90)

Section 226.684 Placement of the Child Pending Completion of a Level II Review (Repealed)

Unless the parents and the district agree otherwise, the child's placement shall not be changed following a request for a level II review until such time as a binding decision is issued and all appeals are exhausted.

(Source: Repealed at 21 Ill. Reg. 7655, effective 11/1/90)

Section 226.688 Oral Arguments and Extensions of Time (Repealed)

Either party to the level II review may, as a matter of right, request that the impartial reviewing officer convene a hearing at which the parties may present additional evidence and oral argument. The appealing party shall request the hearing when filing the appeal request. The opposing party may request the hearing when notified that an appeal has been requested. The opposing party shall submit such request in writing prior to the selection of the level II reviewing officer. The opposing party shall submit the request by certified mail to the State Board of Education, attention Segal Department, 100 North First Street, Springfield, Illinois 62777, and shall at the same time send a copy of the request to the initially appealing party. The State Board of Education shall transmit the request for the hearing to the reviewing officer as part of the administrative record when transmitting the record to the reviewing officer as provided in Section 226.682(b).

a) The reviewing officer shall schedule the hearing at a time and place reasonably convenient to the parties. The hearing shall be recorded and a record of the hearing shall become a part of the administrative record of the appeal. The State Board of Education shall bear the cost of producing a record of the hearing.

b) Any parties have the right to be represented at their own expense by counsel or to be represented and assisted by other persons having special knowledge of this part or training as advocates. The district

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shall inform the parents of any free or low cost legal services which may be available in their area and of the availability of publicly funded advocacy services. The parties may be represented as indicated herein throughout the level if review.

c) The reviewing officer may limit the testimony and arguments presented at the hearing to matters at issue in the appeal, may refuse to hear any testimony or argument found to be irrelevant or repetitious, and may prohibit the introduction of any evidence at the hearing that has not been disclosed to the opposing party at least five (5) calendar days before the hearing.

d) At the request of either party, the reviewing officer shall issue subpoenas for the attendance of witnesses upon a showing by the party requesting issuance that the evidence or testimony sought by the subpoena is reasonably necessary to a fair resolution of an issue or issues in dispute and upon a showing that the evidence or testimony sought may not be otherwise available and could not have been obtained at an earlier stage of the proceedings.

e) A reviewing officer may grant a specific extension of time in convening the hearing if such specific extension is requested in writing by a party to the hearing with notice sent to the opposing party. The reviewing officer shall require that a party requesting an extension predicate the request upon circumstances that have arisen which are beyond the party's control and are circumstances linked to one or more issues in the appeal. Upon finding that the party requesting the extension has made such a showing, the reviewing officer shall grant such extension of time in writing with notice sent to the parties and the State Board of Education by certified mail. Such notice shall become part of the administrative record. If the granting of any extension would be prejudicial to the interests of the other party, the reviewing officer shall fix the responsibilities of the parties during the period governed by the extension. Unless the request for a specific extension of time made by a party necessitates a delay in issuing the order, all appeals shall be decided within 90 days after receipt of the appeal as provided in Section 226-698(fa).

(Source: Repealed at 21 Ill. Reg. 7655, effective 1/1/1997)

Section 226.690 Timeliness and Finality of Reviewing Officer's Decision (Repealed)

a) Unless an extension of time has been granted as provided in Section 226-688 of this Part, the reviewing officer shall issue an independent decision as required by 34-CPR-300-510(b) no later than thirty (30) calendar days after the State Board of Education receives the appeal request. The decision shall include findings as to the compliance with due process procedural requirements of the level if hearing and an index of the record of the level if proceeding.

b) The decision of the reviewing officer shall be a final order binding

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upon the parties, unless a party aggrieved by the ruling appeals as provided in Section 226-692(b) of this Part. The reviewing officer's decision shall give specific directions to the parties so that implementation of the decision is achieved without undue delay.

c) The decision shall be sent by certified mail to the parties and a copy of the decision shall also be made a part of the administrative record. The reviewing officer shall, by certified mail, send the completed administrative record, including all of the exhibits and attachments, to the State Board of Education, Attention: Legal Department, 100 North First Street, Springfield, Illinois 62777 immediately upon completion of the review.

(Source: Repealed at 21 Ill. Reg. 7655, effective 1/1/1997)

Section 226.692 Monitoring and Enforcement of Decisions; Right of Civil Action; Notice of Funding Ineligibility

a) Upon receipt of the hearing reviewing officer's decision and the administrative record, the State Board of Education shall review the decision and monitor compliance by the parties with the terms of the decision. If the district fails to comply with the decision in the time specified by the hearing reviewing officer, the State Board of Education shall notify the parties in writing by certified mail that it finds the district to be in noncompliance with the decision, and that the noncompliance may result in loss of recognition status of the district's programs by the state, withholding of state or federal funds which the district would otherwise be eligible to receive, or in other enforcement action unless the district remedies the noncompliance within the time period specified in the notice of noncompliance.

b) A party aggrieved by the reviewing officer's decision may bring a civil action in any court of competent jurisdiction. Such filing of a civil action shall act as a supersedeas and implementation of the reviewing officer's decision shall be stayed pending judicial action.

(Source: Amended at 21 Ill. Reg. 7655, effective 1/1/1997)

Section 226.695 Reporting of Decisions

The State Board of Education shall, after deleting all personally identifiable information and indexing by subject matter, make the decisions of impartial due process hearing the reviewing officers available to the Illinois State Advisory Council on Education of Children with Disabilities, to impartial due process hearing officers, and to the Screening Committee established pursuant to Section 14-8.02a(b) of the School Code. This information shall also be available to other interested parties upon request.

(Source: Amended at 21 Ill. Reg. 7655, effective 1/1/1997)

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

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SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

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AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 14 (see P.A. 89-652, effective August 14, 1996) and 2-3.6].

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SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20 Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUBPART J: IMPARTIAL DUE PROCESS HEARINGS

Section 226.600 Calculation of Timelines

For purposes of compliance with the requirements of Section 14-8.02a of the School Code [105 ILCS 5/14-8.02a; see P.A. 89-652, effective August 14, 1996] and the timelines set forth in this Subpart J, "days" shall be construed in accordance with Section 1.11 of the Statute on Statutes [5 ILCS 70/1.11].

(Source: Added at 21 Ill. Reg. _____, effective _____.)

Section 226.605 Request for Hearing

- a) A parent (as defined in Section 226.5 of this Part), a school district, or a student may request an impartial due process hearing.
b) A hearing may be requested for, but not limited to, the following reasons:

- 1) Objection to signing consent for a proposed case study evaluation or initial placement.
- 2) Failure of the local school district, upon request of the parents, other persons having primary care and custody of the student, the student, or the State Board of Education (in this Subpart, the State Board), to provide a case study evaluation.

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- 3) Failure of a local school district to consider evaluations completed by qualified professional personnel outside the school district.
- 4) Objection to a proposed special education placement, either an initial placement, a continuation of a previous placement, or a change in the placement.
- 5) Termination of a special education placement.
- 6) Failure of the local school district to provide a special education placement consistent with the finding of the case study evaluation and the recommendations of the multidisciplinary conference.
- 7) Failure of the local school district to provide the least restrictive special education placement appropriate to the student's needs.
- 8) Provision of special education instructional or resource programs, or related services in an amount insufficient to meet the student's needs.
- 9) Recommendation for the graduation of a student.
- 10) Failure of the local school district to ensure compliance with the provisions of Section 226.40 of this Part.
- 11) Failure of the local school district to comply with any provision of this Part or the School Code.
- 12) Failure of the local school district to provide a student with a free appropriate public education.
- c) Receipt of a request for an impartial due process hearing shall cause the student to remain in his or her current education placement, unless a mutual agreement is reached between the parents and local school district, until the matter is resolved.
- d) If the student is receiving no educational service and the parents are seeking initial placement in a public school, the student, with the consent of the parents, must be placed in the public school program until the completion of all the proceedings.

(Source: Amended at 21 Ill. Reg. 7665, effective _____)

Section 226.615 Procedure for Request

Pursuant to Section 226.605 of this Part, the school district, the parent of any student resident within the district, or the student may request an impartial due process hearing. A parent's or student's request for a hearing shall be made, in writing, to the superintendent of the school district in which the student is a resident.

- a) If the district makes the request, it shall be sent in writing to the State Board, attention Division of Program Compliance, in Springfield, and at the same time a copy shall be sent to the other party. This letter shall include the information set forth in subsections (b)(1)(A), (C) and (D) of this Section.
- b) When the school district receives a request for a hearing from a

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parent or from a student, then within five days after its receipt of the request the district shall:

- 1) Send a letter to the State Board (attention Division of Program Compliance, in Springfield) requesting the appointment of an impartial due process hearing officer. This letter shall be delivered by certified mail or another means that provides written evidence of the delivery and shall include:
 - A) the name, address, and telephone number of the student and the parent, and of the person making the request for the hearing, if it is someone other than the student or the parent;
 - B) the date on which the request for the hearing was received by the local school district;
 - C) the nature of the controversy to be resolved;
 - D) the primary language spoken by the parents and student; and
 - E) a copy of the parent's request.
- 2) Send to the person requesting the hearing, by certified mail or another means providing written evidence of delivery, a copy of the letter sent to the State Board.
 - A) If the hearing has been requested by someone other than the student's parents, the district shall inform the parents by certified mail of the request and invite them to participate in the proceedings.
 - B) All references to parents made in the remainder of this Subpart shall be understood to include both the parents and the person requesting the hearing.

(Source: Amended at 21 Ill. Reg. 7665, effective _____)

Section 226.620 Denial of Hearing Request

A request for an impartial due process hearing may not be denied for any reason.

(Source: Old Section repealed at 15 Ill. Reg. 40, effective December 23, 1990; amended at 21 Ill. Reg. 7665, effective _____)

Section 226.622 Qualifications, Training, and Service of Impartial Due Process Hearing Officers

- a) In order to be considered for training as an impartial due process hearing officer, an individual either must hold a master's degree or a juris doctor degree, or must hold a bachelor's degree in combination with relevant experience.
 - 1) For purposes of this Subpart J, "relevant experience" means at least three years' experience, whether paid or voluntary, in special education, disability-related issues, or advocacy.

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- 2) *Employees of the State Board of Education, school districts, special education cooperatives, state-operated elementary and secondary schools, regional service areas or centers, regional educational cooperatives, state-operated elementary and secondary schools or private providers of special education facilities or programs may not serve as impartial due process hearing officers.* (See Section 14-8.02a(c) of the School Code.)
- 3) Except as provided in Section 14-8.02a(f) of the School Code, former employees of, and current or former contractors to the State Board of Education, school districts, special education cooperatives, regional service areas or centers, regional educational cooperatives, state-operated elementary and secondary schools or private providers of special education facilities or programs shall not be disqualified as potential hearing officers by virtue of such employment or service.

- b) An individual wishing to qualify as an impartial due process hearing officer shall submit an application to the State Board. In completing the application form, which shall be provided by the State Board, the individual shall disclose at least the following information:

- 1) name and address;
- 2) degree(s) held;
- 3) current employment status, including if applicable the employer's name and the title of the employee's position;
- 4) school district of residence; and
- 5) professional background and relevant experience.

- c) Persons who have complied with the requirements of subsections (a) and (b) of this Section shall, if recommended by the Screening Committee pursuant to Section 14-8.02a(b) of the School Code, then complete a training course conducted as provided in Section 14-8.02a(d) of the School Code. Failure to complete this training course successfully shall result in ineligibility to serve as a hearing officer.

- d) From among the candidates successfully completing the initial training, the Advisory Council on Education of Children with Disabilities shall select the number of hearing officers deemed necessary by the State Board of Education. Such selection shall be based upon objective criteria developed and made available to the public by the Advisory Council.

- e) Each hearing officer shall at least annually attend a review session and/or training course authorized by the State Board. Failure to attend a required review session or training course shall result in the hearing officer's termination.

Conditions of Service

Hearing officers' terms of service and subsequent reappointment shall be as provided in Section 14-8.02a(d) and (e) of the School Code.

- 1) A hearing officer shall accept each case to which he or she is assigned, unless:

- A) the hearing officer is ill;
- B) the hearing officer has a personal, professional, or financial interest which would conflict with his or her

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- objectivity with respect to a particular case; or
- C) the hearing officer is ineligible to accept a particular case pursuant to Section 226.625(a) of this Part.
- 2) A hearing officer whose other commitments will interfere with his or her ability to accept cases for more than 15 days shall so notify the State Board of Education in writing.

(Source: Amended at 21 Ill. Reg. 14-8.02a(f), effective July 1, 1994)

Section 226.625 Appointment of Impartial Due Process Hearing Officer

- a) Upon receipt of a request for a hearing the State Board shall, within five days and using the rotation system called for in Section 14-8.02a(f) of the School Code, appoint an impartial due process hearing officer and notify that individual and the parties of his or her appointment. Prior to making any appointment, the State Board shall review the background of the prospective appointee in order to establish that:

- 1) the individual has never been employed by or administratively connected with the school district or special education cooperative involved in the case;
- 2) the individual is not a resident of the district involved; and
- 3) the prospective appointee has no apparent personal, professional, or financial interest that would interfere with his or her objectivity regarding the matter at issue.

- b) An appointee who does not meet the requirements set forth in subsection (a) of this Section shall recuse himself of herself within five days after receiving notification of the appointment. Notification to the State Board of such recusal may occur by telephone, provided that a written statement is also supplied.

- c) A party to a due process hearing shall be permitted one substitution of a hearing officer as a matter of right (Section 14-8.02a(f) of the School Code). A request for a substitute hearing officer shall be made in writing to the State Board of Education within five days after receipt of notification of the hearing officer's appointment. In the event that both parties submit written requests on the same day and both should be received simultaneously, the State Board of Education shall deem the substitution to have been at the request of the party initially requesting the hearing. The right of the other party to a substitution will thereby be absolutely protected.

- d) Section 14-8.02a(f) of the School Code contemplates two situations requiring the appointment of a hearing officer other than the individual who originally receives the case under the rotation system and specifies different methods of selecting a replacement.

- 1) When the appointed hearing officer is unavailable or recuses himself or herself before the parties are notified of his or her appointment, the State Board shall appoint the next scheduled hearing officer under the rotation system.

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- 2) When a hearing officer recuses himself or herself after learning the circumstances of a case, or when a party to the hearing submits a proper request for substitution, the State Board shall, within five days, select and appoint another hearing officer at random.

(Source: Amended at 21 Ill. Reg. 66 53 3 effective 11/1/94)

Section 226.632 Scheduling the Hearing and Pre-Hearing Conference

- a) Within five days after receiving written notification by the State Board, the appointed hearing officer shall contact the parties to determine a time and place reasonably convenient to the parties and otherwise in accordance with Section 14-8.02a(g) of the School Code for convening the hearing and pre-hearing conference.
- b) The hearing officer shall provide the parties at least ten days' written notice of the dates, times, and locations of the pre-hearing conference and the hearing.
- c) Either party may request a delay in convening the hearing and/or pre-hearing conference. The party requesting a delay shall do so in writing to the hearing officer, with a copy sent at the same time to the other party. The requesting party shall set forth the reasons for the request and the hearing officer shall, upon receiving the request, and subject to the provisions of Section 226.636(c) of this Part, either grant or deny the request, and shall so inform the parties and the State Board of Education in writing. If necessary, the hearing officer shall determine a new time and date for convening the hearing and/or pre-hearing conference.

- 1) If the parties jointly propose a delay in convening the hearing or pre-hearing conference, it shall be delayed as agreed. The hearing officer, being advised of such agreement, shall confirm the delay in writing to the parties and the State Board of Education. Such notice shall become part of the administrative record.

- 2) If the parties cannot agree to a mutually convenient time and place for convening the hearing and/or pre-hearing conference, the hearing officer shall fix such time and place, notify the parties in writing, and proceed to convene and conduct the pre-hearing conference and hearing, provided that the delay shall not continue for a period longer than necessitated by the circumstances that precipitated the delay.

(Source: Amended at 21 Ill. Reg. 66 53 3 effective 11/1/94)

Section 226.633 Conducting the Pre-Hearing Conference

- a) The hearing officer shall convene the pre-hearing conference in

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- b) Any party to the pre-hearing conference shall be permitted to participate by teleconference (Section 14-8.02a(g) of the School Code). It shall be the responsibility of the parties to ensure that any information required at the pre-hearing conference is received by the hearing officer and the other party at or prior to the conference.
- c) At the conclusion of the pre-hearing conference, the hearing officer shall prepare a report of the conference that shall be entered into the hearing record. The report shall include, but need not be limited to:
- 1) the issues, the order of presentation, and any scheduling accommodations that have been made for the parties or witnesses;
 - 2) a determination of the relevance and materiality of documents or witnesses, if raised by a party or the hearing officer; and
 - 3) such stipulations of fact as have been agreed to during the pre-hearing conference.

(Source: Added at 21 Ill. Reg. 66 53 3 effective 11/1/94)

Section 226.636 Rights of the Parties Prior to the Hearing

- a) The parties have the right to be represented at their own expense by counsel, or to be represented and assisted by other persons having special knowledge of this Part. The district shall inform the parents of any free or low cost legal services which may be available in their area, and of the availability of publicly funded advocacy services.
- b) The parents may inspect and review all school records pertaining to their child and, subject to the provisions of 23 Ill. Adm. Code 375.50 (Student Records), may obtain copies of any such records at their own expense.
- c) The parents shall have access to the district's list of independent evaluators, and may obtain an independent evaluation of their child at their own expense. If acquisition of a completed independent evaluation requires a delay in convening the hearing, the parents shall request such delay as provided in Section 226.632(c) of this Part. The hearing officer shall thereupon delay the hearing until such time as the independent evaluation is completed, the report is available, and the opposing party has been afforded, in the judgment of the hearing officer, a reasonable opportunity to review it. The parents may ask the hearing officer to determine whether an independent evaluation is needed. The parents may ask the hearing officer to consider whether an independent evaluation is needed. If the hearing officer concludes, after reviewing the available information, that an independent evaluation is necessary to inform the hearing officer concerning the services to which the student may be entitled, it shall be so ordered and provided at local school district expense. The hearing officer shall thereupon delay the hearing as provided for herein.

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- d) Either party to the hearing has the right to the disclosure at least five days prior to the hearing of any evidence to be introduced.
- e) Either party may compel the attendance of any school district employee at the hearing, or any other person who may have information relevant to the needs, abilities, the proposed program, or the status of the student. At the request of either party, the hearing officer shall issue subpoenas to compel the testimony of witnesses or the production of documents relevant to the case at issue. If any person refuses to comply with a subpoena issued under this Section, court action may be sought as provided in Section 14-8.02a(g) of the School Code.
- f) Either party, or any other person participating in the hearing, may request that an interpreter be available during the hearing because one of the participants is hearing impaired and/or uses a primary language other than English. Such interpreters shall be provided at the public provider's expense.
- g) The student's educational placement shall not be changed pending completion of the hearing except as provided in Section 14-8.02a(j) of the School Code.

(Source: Amended at 21 Ill. Reg. 7655, effective 7/1/99)

Section 226.645 Powers and Duties of Hearing Officer

- a) Once appointed, the impartial due process hearing officer shall not communicate with the State Board of Education or its employees concerning the hearing and shall not initiate or participate in any ex parte communications with the parties, except as provided in Section 14-8.02a(g) of the School Code.
- b) The hearing officer shall disclose any actual or potential conflict of interest to the parties upon learning of such a conflict.
- c) The hearing officer shall conduct the hearing and, with respect thereto, shall have but not be limited to the following powers:
- 1) To administer, or to authorize the court reporter to administer, oaths;
 - 2) To examine witnesses;
 - 3) To issue subpoenas;
 - 4) To rule upon the admissibility of evidence;
 - 5) To order independent evaluations;
 - 6) To grant specific extensions of time;
 - 7) To read into the hearing record any stipulations of fact and other matters agreed upon at the pre-hearing conference and to enter into the record any pre-hearing orders;
 - 8) To render decisions and issue orders and clarifications.
- d) The hearing officer shall comply with applicable timelines established in Section 14-8.02a of the School Code.

(Source: Added at 21 Ill. Reg. 7655, effective 7/1/99)

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Section 226.675 Decision of Hearing Officer; Clarification

- a) Within ten days after the conclusion of the hearing, the hearing officer shall issue a written decision which sets forth the issues in dispute, findings of fact based upon the evidence and testimony presented, and the hearing officer's conclusions of law and orders. The hearing officer shall determine whether the evidence establishes that the student has needs which require special education services, and if so whether such services and placement as are being proposed or provided by the district are appropriate given the student's identified needs. The hearing officer shall order the parties to take all steps necessary to ensure appropriate placement and services for any student found to be eligible for special education services. The hearing officer shall specify the procedures necessary to ensure timely compliance with his or her order, in accordance with Section 14-8.02a(j) of the School Code.
- b) The hearing officer's decision shall be sent by certified mail to the parties enumerated in Section 14-8.02a(h) of the School Code. The decision shall be translated into the native language of the parents if their primary language is other than English.
- c) The written decision shall be binding upon the parties unless a party aggrieved by the decision commences a civil action as provided in Section 14-8.02a(i) of the School Code.
- d) As provided in Section 14-8.02a(h) of the School Code, the hearing officer shall retain jurisdiction after issuance of his or her decision for the sole purpose of considering a request for clarification. A request for clarification shall be submitted and acted upon as provided in Section 14-8.02a(h) of the School Code.
- e) The hearing decision, if not appealed pursuant to subsection (c) of this Section, shall be enforced by the State Board as provided in Section 226.692 of this Part.

(Source: Amended at 21 Ill. Reg. 7655, effective 7/1/99)

Section 226.680 Filing of an Appeal (Repealed)

(Source: Repealed at 21 Ill. Reg. 7655, effective 7/1/99)

Section 226.682 Filing of Administrative Record (Repealed)

(Source: Repealed at 21 Ill. Reg. 7655, effective 7/1/99)

Section 226.684 Placement of the Child Pending Completion of a Level II Review (Repealed)

(Source: Repealed at 21 Ill. Reg. 7655, effective 7/1/99)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Numbers: Adopted Action:
211.1885. New
- 4) Statutory Authority: 415 ILCS 5/9, 9.1, 10, 27 and 28.5
- 5) Effective Date of Amendment: June 9, 1997
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 5, 1997
- 9) Notice of Proposal Published in Illinois Register: February 18, 1997; 21 Ill Reg 1754
- 10) Has JCER issued a Statement of Objections to this amendment? No
- 11) Difference(s) between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCER been made as indicated in the agreement letter issued by JCER? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers Adopted Action Illinois Register Citation
211.2285 New January 3, 1997; 21 Ill. Reg. 329

- 15) Summary and Purpose of Rulemaking: A more complete description of this rulemaking may be found in the Board's opinion and order of June 5, 1997 in R97-24. The Board is adopting a definition for "electronic component" to correspond with amendments in 35 Ill. Adm. Code 218.182 and 219.182. The amendments to those Parts will require more stringent emissions standards for cold cleaning degreaser operations.

- 16) Information and questions regarding this adopted amendment shall be directed to:

K.C. Poulos
Pollution Control Board
100 W. Randolph St.
Suite 11-500

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT(S)

Section 226.688 Oral Arguments and Extensions of Time (Repealed)

(Source: Repealed at 21 Ill. Reg. 21.185.1, effective 12/1/97)

Section 226.690 Timeliness and Finality of Reviewing Officer's Decision (Repealed)

(Source: Repealed at 21 Ill. Reg. 21.185.2, effective 12/1/97)

Section 226.692 Monitoring and Enforcement of Decisions; Notice of Funding Ineligibility

Upon receipt of the hearing officer's decision, the State Board of Education shall review the decision and monitor compliance by the parties with the terms of the decision. If the district fails to comply with the decision in the time specified by the hearing officer, the State Board of Education shall notify the parties in writing by certified mail that it finds the district to be in noncompliance with the decision, and that the noncompliance may result in loss of recognition status of the district's programs by the state, withholding of state or federal funds which the district would otherwise be eligible to receive, or in other enforcement action unless the district remedies the noncompliance within the time period specified in the notice of noncompliance.

(Source: Amended at 21 Ill. Reg. 21.185.3, effective 12/1/97)

Section 226.695 Reporting of Decisions

The State Board of Education shall, after deleting all personally identifiable information and indexing by subject matter, make the decisions of impartial due process hearing officers available to the Illinois State Advisory Council on Education of Children with Disabilities, to impartial due process hearing officers, and to the Screening Committee established pursuant to Section 14-8.02a(b) of the School Code. This information shall also be available to other interested parties upon request.

(Source: Amended at 21 Ill. Reg. 21.185.4, effective 12/1/97)

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS
TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

Chicago, IL 60601
312/814-3665

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to Docket number R97-24 in your request.

The full text of the Adopted Amendment begins on the next page:

PART 211
DEFINITIONS AND GENERAL PROVISIONS
SUBPART A: GENERAL PROVISIONS

Section
211.101 Incorporations by Reference
211.102 Abbreviations and Units

SUBPART B: DEFINITIONS

Section
211.121 Other Definitions
211.122 Definitions (Repealed)
211.130 Accelacota
211.150 Accumulator
211.170 Acid Gases
211.210 Actual Heat Input
211.230 Adhesive
211.240 Adhesion Promoter
211.250 Aeration
211.270 Aerosol Can Filling Line
211.290 Afterburner
211.310 Air Contaminant
211.330 Air Dried Coatings
211.350 Air Oxidation Process
211.370 Air Pollutant
211.390 Air Pollution
211.410 Air Pollution Control Equipment
211.430 Air Suspension Coater/Dryer
211.450 Airless Spray
211.470 Air Assisted Airless Spray
211.474 Alcohol
211.484 Animal
211.485 Animal Pathological Waste
211.490 Annual Grain Through-Put
211.495 Anti-Glare/Safety Coating
211.510 Application Area
211.530 Architectural Coating
211.550 As Applied
211.560 As-Applied Fountain Solution
211.570 Asphalt

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.670	Baked Coatings
211.680	Bakery Ovens
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.730	Binders
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant
211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1130	Closed Purged System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.1410	Condensate
211.1430	Condensible PM-10
211.1465	Continuous Automatic Stoking
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1710	Degreaser
211.1730	Delivery Vessel
211.1750	Dip Coating
211.1770	Distillate Fuel Oil
211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1875	Elastomeric Materials
211.1880	Electromagnetic Interference/Radio Frequency (EMI/RFI) Shielding
211.1885	Coatings
211.1890	Electronic Component
211.1900	Electrostatic Bell or Disc Spray
211.1910	Electrostatic Prep Coat
211.1920	Electrostatic Spray
211.1930	Emergency or Standby Unit
211.1950	Emission Rate
211.1970	Emission Unit
211.1990	Enamel
211.2010	Enclose
211.2030	End Sealing Compound Coat
211.2050	Enhanced Under-the-Cup Fill
211.2070	Ethanol Blend Gasoline
211.2090	Excess Air
211.2110	Excessive Release
211.2130	Existing Grain-Drying Operation (Repealed)
211.2150	Existing Grain-Handling Operation (Repealed)
211.2170	Exterior Base Coat
211.2190	Exterior End Coat
211.2210	External Floating Roof
211.2210	Extreme Performance Coating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2830	Heatset
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3110	Ink

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3480	Loading Event
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3930	Monitor
211.3950	Monomer

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.3960	Motor Vehicles
211.3965	Motor Vehicle Refinishing
211.3970	Multiple Package Coating
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4070	Offset
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4740	Plastic Part
211.4750	Plasticizers
211.4770	PM-10

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure
211.5530	Repair
211.5550	Repair Coat
211.5570	Repaired

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.5590	Residual Fuel Oil	211.6390	Stationary Storage Tank
211.5600	Resist Coat	211.6400	Stencil Coat
211.5610	Restricted Area	211.6410	Storage Tank or Storage Vessel
211.5630	Retail Outlet	211.6430	Styrene Devolatilizer Unit
211.5650	Ringelmann Chart	211.6450	Styrene Recovery Unit
211.5670	Roadway	211.6470	Submerged Loading Pipe
211.5690	Roll Coater	211.6490	Substrate
211.5710	Roll Coating	211.6510	Sulfuric Acid Mist
211.5730	Roll Printer	211.6530	Surface Condenser
211.5750	Roll Printing	211.6540	Surface Preparation Materials
211.5770	Rotogravure Printing	211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.5790	Rotogravure Printing Line	211.6570	Tablet Coating Operation
211.5810	Safety Relief Valve	211.6580	Texture Coat
211.5830	Sandblasting	211.6590	Thirty-Day Rolling Average
211.5850	Sanding Sealers	211.6610	Three-Piece Can
211.5870	Screening	211.6620	Three or Four Stage Coating System
211.5890	Sealer	211.6630	Through-the-Valve Fill
211.5910	Semi-Transparent Stains	211.6650	Tooling Resin
211.5930	Sensor	211.6670	Topcoat
211.5950	Set of Safety Relief Valves	211.6690	Topcoat Operation
211.5970	Sheet Basecoat	211.6695	Topcoat System
211.5980	Sheet-Fed	211.6710	Touch-Up
211.5990	Shotblasting	211.6720	Touch-Up Coating
211.6010	Side-Seam Spray Coat	211.6730	Transfer Efficiency
211.6025	Single Unit Operation	211.6750	Tread End Cementing
211.6030	Smoke	211.6770	True Vapor Pressure
211.6050	Smokeless Flare	211.6790	Turnaround
211.6060	Soft Coat	211.6810	Two-Piece Can
211.6070	Solvent	211.6830	Under-the-Cup Fill
211.6090	Solvent Cleaning	211.6850	Undertread Cementing
211.6110	Solvent Recovery System	211.6860	Uniform Finish Blender
211.6130	Source	211.6870	Unregulated Safety Relief Valve
211.6140	Specialty Coatings	211.6880	Vacuum Metallizing
211.6145	Specialty Coatings for Motor Vehicles	211.6890	Vacuum Producing System
211.6150	Specialty High Gloss Catalyzed Coating	211.6910	Vacuum Service
211.6170	Specialty Leather	211.6930	Valves Not Externally Regulated
211.6190	Specialty Soybean Crushing Source	211.6950	Vapor Balance System
211.6210	Splash Loading	211.6970	Vapor Collection System
211.6230	Stack	211.6990	Vapor Control System
211.6250	Stain Coating	211.7010	Vapor-Mounted Primary Seal
211.6270	Standard Conditions	211.7030	Vapor Recovery System
211.6290	Standard Cubic Foot (scf)	211.7050	Vapor Suppressed Polyester Resin
211.6310	Start-Up	211.7070	Vinyl Coating
211.6330	Stationary Emission Source	211.7090	Vinyl Coating Line
211.6350	Stationary Emission Unit	211.7110	Volatile Organic Liquid (VOL)
211.6355	Stationary Gas Turbine	211.7130	Volatile Organic Material Content (VOMC)
211.6360	Stationary Reciprocating Internal Combustion Engine	211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.6370	Stationary Source	211.7170	Volatile Petroleum Liquid

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

211.7190 Wash Coat
211.7210 Wastewater (Oil/Water) Separator
211.7230 Weak Nitric Acid Manufacturing Process
211.7250 Web
211.7270 Wholesale Purchase - Consumer
211.7290 Wood Furniture
211.7310 Wood Furniture Coating
211.7330 Wood Furniture Coating Line
211.7350 Woodworking
211.7400 Yeast Percentage

APPENDIX A Rule into Section Table
APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590,

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-24 at 21 Ill. Reg. 7693-
JUN 09 1997

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

SUBPART B: DEFINITIONS
Section 211.1885 Electronic Component

"Electronic Component" means, for the purposes of 35 Ill. Adm. Code 219.182(f) and 219.182(f), all portions of an electronic assembly, including, but not limited to, circuit board assemblies, printed wire assemblies, printed circuit boards, soldered joints, ground wires, bus bars, and associated electronic component manufacturing equipment such as screens and filters.

(Source: Added at 21 Ill. Reg. 7695-
JUN 09 1997) effective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area
- 2) Code Citation: 35 Ill. Adm. Code 218
- 3) Section Numbers: 218.182
Adopted Action: Amended
- 4) Statutory Authority: 415 ILCS 5/9, 9.1, 10, 27 and 28.5
- 5) Effective Date of Rulemaking: June 9, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 5, 1997
- 9) Notice of Proposal Published in Illinois Register: February 18, 1997; 21 Ill. Reg. 1768
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: After the hearing on March 4, 1997 the Environmental Protection Agency filed an Errata Sheet recommending that Section 218.182(g) be added to its proposal. The Board concurred and added new Section 218.182(g) in its second notice opinion and order, dated April 17, 1997.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: A more complete description of this rulemaking may be found in the Board's opinion and order of June 5, 1997 in R97-24. The Board is proposing amendments to Section 218.182 which will require more stringent emissions standards for cold cleaning degreaser operations. Section 218.182(g) provides an exemption to the amendments for Detrex cold cleaning degreasers, or its substantial equivalent.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: K. C. Poulos

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Address: Pollution Control Board
100 W. Randolph St.
Suite 11-500
Chicago, Illinois 60601
Telephone: 312/814-3665

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to Docket number R97-24 in your request.

The full text of the Adopted Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 218

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE CHICAGO AREA

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AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act [415 ILCS 5/10 and 28.5].

SOURCE: Adopted in R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. 14973, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16392, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16950, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6848, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7359, effective May 22, 1995; amended in R96-13 at 20 Ill. Reg. 14428, effective October 17, 1996; amended in R97-24 at 21 Ill. Reg. 17708, effective .

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses, subscript are denoted by brackets, and SUM means the summation series or sigma function as used in mathematics.

SUBPART E: SOLVENT CLEANING

POLLUTION CONTROL BOARD

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Section 218.182 Cold Cleaning

- a) Operating Procedures: No person shall operate a cold cleaning degreaser unless:
- 1) Waste solvent is stored in covered containers only and not disposed of in such manner that more than 20% of the waste solvent (by weight) is allowed to evaporate into the atmosphere;
 - 2) The cover of the degreaser is closed when parts are not being handled; and
 - 3) Parts are drained until dripping ceases.
- b) Equipment Requirements: No person shall operate a cold cleaning degreaser unless:
- 1) The degreaser is equipped with a cover which is closed whenever parts are not being handled in the cleaner. The cover shall be designed to be easily operated with one hand or with the mechanical assistance of springs, counter-weights or a powered system if:
 - A) The solvent vapor pressure is greater than 2 kPa (15 mmHg or 0.3 psi) measured at 38° C (100°F);
 - B) The solvent is agitated; or
 - C) The solvent is heated above ambient room temperature.
 - 2) The degreaser is equipped with a device for draining cleaned parts. The drainage device shall be constructed so that parts are enclosed under the cover while draining unless:
 - A) The solvent vapor pressure is less than 4.3 kPa (32 mmHg or 0.6 psi) measured at 38° C (100° F); or
 - B) An internal drainage device cannot be fitted into the cleaning system, in which case the drainage device may be external.
 - 3) The degreaser is equipped with one of the following control devices if the vapor pressure of the solvent is greater than 4.3 kPa (32 mmHg or 0.6 psi) measured at 38° C (100° F) or if the solvent is heated above 50° C (120° F) or its boiling point:
 - A) A freeboard height of 7/10 of the inside width of the tank or 91 cm (36 in), whichever is less; or
 - B) Any other equipment or system of equivalent emission control as approved by the Agency and further processed consistent with Section 218.108 of this Part. Such a system may include a water cover, refrigerated chiller or carbon adsorber.
 - 4) A permanent conspicuous label summarizing the operating procedure is affixed to the degreaser; and
 - 5) If a solvent spray is used, the degreaser is equipped with a solid fluid stream spray, rather than a fine, atomized or shower spray.
- c) Material Requirements:
- 1) On and after March 15, 1999, no person shall:
 - A) Cause or allow the sale of solvent with a vapor pressure

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- which exceeds 2.0 mmHg (0.038 psi) measured at 20° C (68° F) in units greater than five gallons, for use in cold cleaning degreasing operations located in the area covered by Section 218.103 of this Part.
- B) Operate a cold cleaning degreaser with a solvent vapor pressure which exceeds 2.0 mmHg (0.038 psi) measured at 20° C (68° F).
- 2) On and after March 15, 2001, no person shall:
- A) Cause or allow the sale of solvent with a vapor pressure which exceeds 1.0 mmHg (0.019 psi) measured at 20° C (68° F) in units greater than five gallons, for use in cold cleaning degreasing operations located in the area covered by Section 218.103 of this Part.
 - B) Operate a cold cleaning degreaser with a solvent vapor pressure which exceeds 1.0 mmHg (0.019 psi) measured at 20° C (68° F).
- d) Recordkeeping Requirements: On and after March 15, 1999:
- 1) All persons subject to the requirements of subsections (c)(1)(A) and (c)(2)(A) of this Section must maintain records which include for each sale:
 - A) The name and address of the solvent purchaser;
 - B) The date of sale;
 - C) The type of solvent;
 - D) The unit volume of solvent;
 - E) The total volume of solvent; and
 - F) The vapor pressure of the solvent measured in mmHg at 20° C (68° F).
 - 2) All persons subject to the requirements of subsections (c)(1)(B) and (c)(2)(B) of this Section must maintain records which include for each purchase:
 - A) The name and address of the solvent supplier;
 - B) The date of purchase;
 - C) The type of solvent; and
 - D) The vapor pressure of the solvent measured in mmHg at 20° C (68° F).
- e) All records required by subsection (d) of this Section shall be retained for three years and shall be made available to the Agency upon request.
- f) The cleaning of electronic components as defined in 35 Ill. Adm. Code 211.1885 is exempt from the requirements of subsection (c) of this Section.
- g) Any cold cleaning taking place in a Detrex cold batch degreaser Model #2D-CC-SPL Size 24-4-10, or substantial equivalent, including automated loading of parts, totally enclosed operation (excluding loading or unloading) and permitted by the Agency, is exempt from the requirements of subsection (c) of this Section.

(Source: Amended at 21 Ill. Reg. 7718.03, effective

POLLUTION CONTROL BOARD

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- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Metro East Area
- 2) Code Citation: 35 Ill. Adm. Code 219
- 3) Section Numbers: 219.182 Adopted Action: Amended
- 4) Statutory Authority: 415 ILCS 5/9, 9.1, 10, 27 and 28.5
- 5) Effective Date of Rulemaking: June 9, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 5, 1997
- 9) Notice of Proposal Published in Illinois Register: February 18, 1997; 21 Ill. Reg. 1781
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: After the hearing on March 4, 1997, the Environmental Protection Agency filed an Errata Sheet recommending that Section 219.182(g) be added to its proposal. The Board concurred and added Section 219.182(g) in its second notice opinion and order, dated April 17, 1997.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: A more complete description of this rulemaking may be found in the Board's opinion and order of June 5, 1997 in R97-24. The Board is proposing amendments to Section 219.182 which will require more stringent emissions standards for cold cleaning degreaser operations. Section 219.182(g) provides an exemption to the amendments for Detrex cold cleaning degreasers, or its substantial equivalent.
- 16) Information and questions regarding this adopted amendment shall be directed to:

K.C. Poulos
Pollution Control Board

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

100 W. Randolph St.
Suite 11-500
Chicago, IL 60601
312/814-3665

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to Docket number R97-24 in your request.

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 219
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE METRO EAST AREA

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SUBPART W: AGRICULTURE

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Section 219.581 219.582 219.583 219.584 219.585 219.586	Bulk Gasoline Plants Bulk Gasoline Terminals Gasoline Dispensing Operations - Storage Tank Filling Operations Gasoline Delivery Vessels Gasoline Volatility Standards Gasoline Dispensing Operations - Motor Vehicle Fueling Operations (Repealed)
SUBPART Z: DRY CLEANERS	
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Section 219.620 219.621 219.623 219.624 219.625 219.626 219.628 219.630 219.636 219.637	Applicability Exception for Waterbase Material and Heatset- Offset Ink Permit Conditions Open-Top Mills, Tanks, Vats or Vessels Grinding Mills Storage Tanks Leaks Clean Up Compliance Schedule Recordkeeping and Reporting
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SUBPART FF: BAKERY OVENS (Repealed)

Section
 219.720 Applicability (Repealed)
 219.722 Control Requirements (Repealed)
 219.726 Testing (Repealed)
 219.727 Monitoring (Repealed)
 219.728 Recordkeeping and Reporting (Repealed)
 219.729 Compliance Date (Repealed)
 219.730 Certification (Repealed)

SUBPART GG: MARINE TERMINALS

Section
 219.760 Applicability
 219.762 Control Requirements
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SUBPART HH: MOTOR VEHICLE REFINISHING

Section
 219.780 Emission Limitations
 219.782 Alternative Control Requirements
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 219.877 Emissions Limitation at Polystyrene Plants (Renumbered)
 219.879 Compliance Date (Repealed)
 219.881 Compliance Plan (Repealed)
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SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section
 219.920 Applicability
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Section
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Section
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 219.983 Permit Conditions
 219.986 Control Requirements
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SUBPART UU: RECORDKEEPING AND REPORTING

Section
 219.990 Exempt Emission Units
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APPENDIX A

List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing

APPENDIX B

VOM Measurement Techniques for Capture Efficiency

APPENDIX C

Reference Methods and Procedures

APPENDIX D

Coefficients for the Total Resource Effectiveness Index (TRE) Equation

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APPENDIX E

List of Affected Marine Terminals

APPENDIX G

TRE Index Measurements for SOCM I Reactors and Distillation Units

APPENDIX H

Baseline VOM Content Limitations for Subpart F, Section 219.212 Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act [415 ILCS 5/10 and 28.5].

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. 14987, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16415, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16980, effective November 15, 1994; emergency amendment in R95-10 at 19 Ill. Reg. 3059, effective February 28, 1995, for a maximum of 150 days; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6958, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7385, effective May 22, 1995; amended in R96-2 at 20 Ill. Reg. 3848, effective February 15, 1996; amended in R96-13 at 20 Ill. Reg. 14462, effective October 28, 1996; amended in R97-24 at 21 Ill. Reg. 7782, effective January 15, 1997.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses, subscript are denoted by brackets, and SUM means the summation series or sigma function as used in mathematics.

SUBPART E: SOLVENT CLEANING

Section 219.182 Cold Cleaning

a) Operating Procedures: No person shall operate a cold cleaning degreaser unless:

- 1) Waste solvent is stored in covered containers only and not disposed of in such a manner that more than 20% of the waste solvent (by weight) is allowed to evaporate into the atmosphere;
 - 2) The cover of the degreaser is closed when parts are not being handled; and
 - 3) Parts are drained until dripping ceases.
- b) Equipment Requirements: No person shall operate a cold cleaning degreaser unless:
- 1) The degreaser is equipped with a cover which is closed whenever parts are not being handled in the cleaner. The cover shall be

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designed to be easily operated with one hand or with the mechanical assistance of springs, counter-weights or a powered system if:

- A) The solvent vapor pressure is greater than 2 kPa (15 mmHg or 0.3 psi) measured at 38° C (100° F);
 - B) The solvent is agitated; or
 - C) The solvent is heated above ambient room temperature.
- 2) The degreaser is equipped with a device for draining cleaned parts. The drainage device shall be constructed so that parts are enclosed under the cover while draining unless:
- A) The solvent vapor pressure is less than 4.3 kPa (32 mmHg or 0.6 psi) measured at 38° C (100° F); or
 - B) An internal drainage device cannot be fitted into the cleaning system, in which case the drainage device may be external.
- 3) The degreaser is equipped with one of the following control devices if the vapor pressure of the solvent is greater than 4.3 kPa (32 mmHg or 0.6 psi) measured at 38° C (100° F) or if the solvent is heated above 50° C (120° F) or its boiling point:
- A) A freeboard height of 7/10 of the inside width of the tank or 91 cm (36 in), whichever is less; or
 - B) Any other equipment or system of equivalent emission control as approved by the Agency and further processed consistent with Section 219.108 of this Part. Such a system may include a water cover, refrigerated chiller or carbon adsorber.
- 4) A permanent conspicuous label summarizing the operating procedure is affixed to the degreaser; and
- 5) If a solvent spray is used, the degreaser is equipped with a solid fluid stream spray, rather than a fine, atomized or shower spray.

c) Material Requirements:

- 1) On and after March 15, 1999, no person shall:
 - A) Cause or allow the sale of solvent with a vapor pressure which exceeds 2.0 mmHg (0.038 psi) measured at 20° C (68° F) in units greater than five (5) gallons, for use in cold cleaning degreasing operations located in the area covered by Section 219.103 of this Part.
 - B) Operate a cold cleaning degreaser with a solvent vapor pressure which exceeds 2.0 mmHg (0.038 psi) measured at 20° C (68° F).
- 2) On and after March 15, 2001, no person shall:
 - A) Cause or allow the sale of solvent with a vapor pressure which exceeds 1.0 mmHg (0.019 psi) measured at 20° C (68° F) in units greater than five (5) gallons, for use in cold cleaning degreasing operations located in the area covered by Section 219.103 of this Part.
 - B) Operate a cold cleaning degreaser with a solvent vapor

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pressure which exceeds 1.0 mmHg (0.019 psi) measured at 20° C (68° F).

d) Recordkeeping Requirements: On and after March 15, 1999:

1) All persons subject to the requirements of subsections (c)(1)(A) and (c)(2)(A) of this Section must maintain records which include for each sale:

- A) The name and address of the solvent purchaser;
- B) The date of sale;
- C) The type of solvent;
- D) The unit volume of solvent;
- E) The total volume of solvent; and
- F) The vapor pressure of the solvent measured in mmHg at 20° C (68° F).

2) All persons subject to the requirements of subsections (c)(1)(B) and (c)(2)(B) of this Section must maintain records which include for each purchase:

- A) The name and address of the solvent supplier;
- B) The date of purchase;
- C) The type of solvent; and
- D) The vapor pressure of the solvent measured in mmHg at 20° C (68° F).

e) All records required by subsection (d) of this Section shall be retained for three years and shall be made available to the Agency upon request.

f) The cleaning of electronic components as defined in 35 Ill. Adm. Code 211.1895 is exempt from the requirements of subsection (c) of this Section.

g) Any cold cleaning taking place in a Detrex cold batch degreaser Model #2D-CC-SPL Size 24-4-10, or substantial equivalent, including automated loading of parts, totally enclosed operation (excluding loading or unloading) and permitted by the Agency, is exempt from the requirements of subsection (c) of this Section.

(Source: Amended at 21 Ill. Reg. 772.015, effective

11/14/99)

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- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Adopted Action:
121.18 New Section
121.93 Amendment
121.94 Amendment
121.98 New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: June 4, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 4, 1997
- 9) Notice of Proposal Published in Illinois Register: August 30, 1996 (20 Ill. Reg. 11581) and February 28, 1997 (21 Ill. Reg. 2820)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments?
Yes
- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:
Section 121.18
1. In Section 121.18(c)(7), "alcoholic" was changed to "alcoholism".
2. In Section 121.18(c)(10), "[see Section 824(a)(4)(A)(i) and (ii) of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996]" was added after "requirement".
Sections 121.93, 121.94 and 121.98
1. In Section 121.93(b), "of this Part" was added after "Section 121.94(d)".
2. In Section 121.94(b), "loss of" was changed to "lost" and "in fraud" was added after "cooperation".
3. In Section 121.94(c)(4), "of" was changed to "after".

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4. Section 121.94(d) was changed as follows:

The Department may employ any of the administrative remedies listed in this subsection (d) to deter multiple claims of benefit loss or multiple EBT card replacements, subject to notice to and appeal by the client. Which remedy would be applied will be determined by such elements as the type of situation that gives rise to the need for the remedy and the effectiveness of previously utilized remedies.

5. In Section 121.94(d)(5), "Point-of-Sale (POS)" was changed to "POS".

6. In Section 121.94(d)(6), the commas after "Protective" and "Alternate" were deleted and "Payee" was changed to "payment".

7. In Section 121.98(b)(1), "Personal Identification Number (PIN)" was changed to "PIN".

No other changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace Emergency Amendments currently in effect? No

- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
121.160	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.162	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.164	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.166	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.170	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.172	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.174	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.176	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.178	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.180	Repeal	May 2, 1997 (21 Ill. Reg. 5410)
121.184	Amendment	May 2, 1997 (21 Ill. Reg. 5410)
121.220	New Section	May 2, 1997 (21 Ill. Reg. 5410)
121.221	New Section	May 2, 1997 (21 Ill. Reg. 5410)
121.222	New Section	May 2, 1997 (21 Ill. Reg. 5410)
121.223	New Section	May 2, 1997 (21 Ill. Reg. 5410)
121.224	New Section	May 2, 1997 (21 Ill. Reg. 5410)

- 15) Summary and Purpose of Amendments:

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Section 121.18

One of the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (H. R. 3734), is the work requirement for food stamps. In accordance, these amendments establish that employable persons will be eligible for limited food stamp benefits if they do not meet the work requirement. Eligibility for food stamp benefits will continue as long as the work requirement is met.

As a result of these amendments, an individual is restricted to three months of eligibility for food stamps during a 36-month period unless he or she meets the work requirement or he or she is exempt from meeting the work requirement. An individual meets the work requirement if he or she works an average of 20 hours per week or he or she participates in workfare for the required number of hours. An individual is exempt from meeting the work requirement if the individual is:

1. under age 18 or over age 50;
2. medically certified as physically or mentally unfit for employment;
3. pregnant;
4. a student enrolled at least half time;
5. a member of a household responsible for a dependent child;
6. responsible for the care of an incapacitated person;
7. participating in a drug addiction or alcoholism treatment and rehabilitation program;
8. receiving weekly earnings of at least the federal minimum wage times 30 hours;
9. receiving Unemployment Insurance; or
10. residing in an area which is exempt from this requirement.

This rulemaking also establishes that an individual who has been denied eligibility because he or she does not meet the work requirement may qualify for three additional months of eligibility for food stamps in a 36-month period. To qualify for the three additional months of eligibility for food stamps, during a 30-day period the individual must:

1. work 80 or more hours; or

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2. participate in and comply with workfare.

Sections 121.93, 121.94 and 121.98

Pursuant to provisions in 7 CFR 274.12, these amendments implement the Electronic Benefits Transfer (EBT) system. The EBT system is a method by which cash and food stamp benefits are issued and redeemed through electronic technology. The EBT system replaces paper checks and food stamp coupons currently used to deliver benefits to clients. Benefits are electronically issued and redeemed without the creation of a paper check or food stamp coupons.

The EBT program will be used for clients who receive help in the form of food stamp coupons, grants and child support pass-through payments. Specifically, those persons in cash assistance programs such as Aid to Families with Dependent Children (AFDC), Aid to the Aged, Blind or Disabled (AABD), Refugee Repatriate Assistance (RRA), the State General Assistance program in Chicago and Child Support Enforcement pass-through payments will use the EBT system. MANG cases will not be included in EBT, unless the individuals receive food stamp benefits. Also, non-assistance/MANG child support cases will not be included in EBT.

Benefits of the EBT system include the following:

- . improves the delivery of benefits to clients;
- . helps reduce theft and loss;
- . provides better security to reduce benefit fraud;
- . eliminates check cashing fees;
- . reduces administrative and operating costs; and
- . reduces the stigma attached to cashing benefit checks and using food stamp coupons.

The EBT system being developed by the Department will provide clients with a plastic card, similar to a bank card, to be used at Point-of Sale (POS) terminals and Automated Teller Machines (ATMs). The individual will select a confidential, four-digit code that will enable him or her to access his or her benefits through POS terminals or ATMs. Clients will use their cards to draw against their food stamp benefits and cash assistance accounts.

The EBT process will work like standard POS/ATM withdrawals, only the money will come from a public aid account instead of a bank account. Computer terminals will display account balances and print receipts

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showing available funds or food stamp credits. Food stamp and other electronic accounts, maintained by the State, will be debited automatically. Clients purchasing food will use their cards in grocery stores and their food stamp accounts will decrease by the amount of the food purchase. Purchases will be paid for by immediate deductions from the account.

These amendments establish that clients will be trained on the use of the EBT system and EBT care prior to receipt of benefits via EBT. This rulemaking also sets out the provisions for replacement of the EBT.

Using the EBT system will provide clients with an opportunity to gain money management experience by withdrawing benefits, as needed. In addition, clients will no longer have to pay check-cashing fees each month. The delivery and management of benefits to clients will be improved by the EBT system. Administrative costs of distributing and redeeming food stamp benefits will be reduced. Also, fraud and misuse of food stamp benefits will be reduced through the EBT system.

Companion amendments are being adopted in 89 Ill. Adm. Code 117.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

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121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements
121.24	Individuals Exempt From Work Registration Requirements
121.25	Failure to Comply
121.26	Period of Sanction
121.27	Voluntary Job Quit
121.28	Good Cause for Voluntary Job Quit
121.29	Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder

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121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions From Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

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121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA - Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting
121.91	Monthly Reporting
121.92	Retrospective Budgeting
121.93	Direct-Mail Issuance of Food Stamp Benefits <u>Coupons</u>
121.94	Replacement of the EBT Card or Food Stamp Benefits <u>Coupons</u>
121.95	Restoration of Lost Benefits
121.96	Uses For Food Coupons
121.97	Supplemental Payments
121.98	Client Training for the Electronic Benefits Transfer (EBT) System
121.120	Food-Stamp-Simplified-Application-Demonstration-Project -(Repealed) Recertification of Eligibility

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121.130 Residents of Shelters for Battered Women and their Children
 121.131 Fleeing Felons and Probation/Parole Violators
 121.135 Incorporation By Reference
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SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
 121.150 Definition of Intentional Violations of the Program
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 121.152 Notification To Applicant Households
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SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section
 121.160 Persons Required to Participate
 121.162 Participation and Cooperation Requirements
 121.164 Orientation
 121.166 Assessment and Employability Plan
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 121.186 Good Cause for Failure to Cooperate
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 121.200 Types of Claims (Recodified)
 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
 121.203 Collecting Claim Against Households (Recodified)
 121.204 Failure to Respond to Initial Demand Letter (Recodified)
 121.205 Methods of Repayment of Food Stamp Claims (Recodified)
 121.206 Determination of Monthly Allotment Reductions (Recodified)
 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
 121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6

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and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986;

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peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January

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27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 6633, effective JUN 14 1997.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.18 Work Requirement

- a) An individual is restricted to three months of eligibility for food stamps during a 36-month period unless he or she meets the work requirement or he or she is exempt from meeting the work requirement.
- b) An individual meets the work requirement if he or she works an average of 20 hours per week or he or she participates in workfare for the required number of hours.
- c) An individual is exempt from meeting the work requirement if the individual is:
- 1) under age 18 or over age 50;
 - 2) medically certified as physically or mentally unfit for employment;
 - 3) pregnant;
 - 4) a student enrolled at least half time;
 - 5) a member of a household responsible for a dependent child;
 - 6) responsible for the care of an incapacitated person;
 - 7) participating in a drug addiction or alcoholism treatment and rehabilitation program;
 - 8) receiving weekly earnings of at least the federal minimum wage times 30 hours;
 - 9) receiving Unemployment Insurance; or
 - 10) residing in an area which is exempt from this requirement (see Section 824(a)(4)(A)(i) and (ii) of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996).
- d) An individual who has been denied eligibility because he or she does not meet the work requirement may qualify for three additional months of eligibility for food stamps in a 36-month period. To qualify for the three additional months of eligibility for food stamps, during a 30-day period the individual must:

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- 1) work 80 or more hours: or
 2) participate in and comply with workfare.

(Source: Added at 21 Ill. Reg. 7733, effective 1/1/84)

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.93 Direct-Mail Issuance of Food Stamp Benefits Coupons

- a) In participating--non-urban areas where the Electronic Benefits Transfer (EBT) system is not in operation, the Department will mail food stamp coupons to all households eligible to receive food stamps directly to the participant's mailing address. A household may, however, request that its food stamp coupons be sent to the local office address instead of to the mailing address. Coupons mailed to the local office must be claimed by the household within five (5) post office working days.
- b) In areas where the EBT system is operative, food stamp benefits shall be issued to the payee via an electronic benefits account established by the Department through EBT. The payee may access the benefits at any participating Point-of-Sale (POS) terminal unless an administrative remedy in Section 121.94(d) of this Part has been imposed.
- c) In areas where the Department has a contract or contracts with specific Direct Delivery Agents (DDAs) and the EBT system is not operative, the food stamp benefits will be delivered to the DDA for distribution to the client. If more than one DDA is available, the client may select the DDA of his or her choice. Clients may be exempted from participation in direct delivery for specific circumstances. (For example, client is in an educational or training program or employed and hours of attendance or employment prevent the client from picking up the food stamp benefits during normal business hours, client is permanently homebound and no proxy is available or client is in exempt status.)
- d) If direct delivery is not available and the EBT system is not operative, the client may elect to have the food stamp benefits delivered to the local public assistance office.
- b) When a household reports the non-receipt of coupons issued through the mail, the Department shall authorize a replacement--issuance--only--if the coupons--were--validly--issued, the household has not been issued more than one replacement in the previous--five--(5)--months--and--if sufficient time, up to five (5) post-office working days, has elapsed for delivery.--The replacement coupons--will--be--sent--to--the--local office--address,--and thereafter for the next two (2) months--following the replacement,--each month's regular issuance of coupons--will--be--sent to the local office address.
- c) Replacement coupons shall not be issued when a participant claims that the envelope received in the mail contained less than the authorized allotment unless the coupon loss was due to damage in the mail before delivery or the Direct Mail Issuance Center inventory is incorrect. Additionally, replacement coupons shall not be issued for coupons that are received but subsequently are lost or misplaced.
- 3) If a household requests replacement of food stamp coupons which were received by the household but which were improperly manufactured or were subsequently damaged or mutilated, the Department shall replace the coupons in an amount equal to the

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the envelope received in the mail contained less than his--authorized allotment--unless the coupon loss was due to damage in the mail before delivery or the Direct-Mail issuance Center inventory is incorrect. Additionally, replacement coupons shall not be issued for coupons that are received but subsequently lost or misplaced.

(Source: Amended at 21 Ill. Reg. 7733, effective 1/1/84)

Section 121.94 Replacement of the EBT Card or Food Stamp Benefits Coupons

a) Replacement of the EBT Card

- 1) The EBT card (benefit access device) will be replaced if lost, stolen or damaged.
- 2) The loss, theft or damage of the EBT card must be immediately reported to the EBT contractor.
- 3) The client will go to the local public assistance office for replacement of the EBT card and selection of a Personal Identification Number (PIN).

4) Administrative remedies, as described in subsection (d) of this Section, may be imposed following the loss, theft or damage of the EBT card or the loss of food stamp benefits.

- b) For households receiving food stamp benefits via the EBT system, lost benefits resulting from the loss or theft of the EBT card and PIN will not be replaced due to the client's mismanagement or presumed fraud, collusion or cooperation in fraud.

c) For households receiving food stamp benefits via food stamp coupons not through the EBT system, the following rules will apply:

- 1) When a household reports the non-receipt of coupons issued through the mail, the Department shall authorize a replacement issuance only if the coupons were validly issued, the household has not been issued more than one replacement in the previous five months and if sufficient time, up to five post office working days, has elapsed for delivery. The replacement coupons will be sent to the local office address and thereafter, for the next two months following the replacement, each month's regular issuance of coupons will be sent to the local office address.
- 2) Replacement coupons shall not be issued when a participant claims that the envelope received in the mail contained less than the authorized allotment unless the coupon loss was due to damage in the mail before delivery or the Direct Mail Issuance Center inventory is incorrect. Additionally, replacement coupons shall not be issued for coupons that are received but subsequently are lost or misplaced.

3) If a household requests replacement of food stamp coupons which were received by the household but which were improperly manufactured or were subsequently damaged or mutilated, the Department shall replace the coupons in an amount equal to the

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value of the improperly manufactured or mutilated coupons. A coupon cannot be replaced if less than three-fifths of the coupon is presented by the household.

4) If a household requests replacement of food stamp coupons which were received but subsequently destroyed in a household disaster, and the request is made within ten (10) days after the disaster, the Department shall replace the coupons in an amount not to exceed one month's worth of coupons within ten days after the date destruction was reported to the local office. The disaster must be verified. Replacement of destroyed coupons is limited to twice in a six-month six-month period.

5) Replacement food stamp coupons shall not be issued for coupons that are lost, misplaced or stolen.

d) Administrative Remedies

The Department may employ any of the administrative remedies listed in this subsection (d) to deter multiple claims of benefit loss or multiple EBT card replacements, subject to notice to and appeal by the client. Which remedy would be applied will be determined by such elements as the type of situation that gives rise to the need for the remedy and the effectiveness of previously utilized remedies.

1) Retaining - The Department may require the client to attend and participate in additional EBT training. The emphasis in the training will be to reaffirm the client's responsibility in securing the EBT card and PIN and to ensure secure and responsible participation in the EBT system.

2) Charge for Replacement Card or Cards - The Department may assess a fee for replacement of the EBT card. Such fees may increase for subsequent replacement cards.

3) Telephone Approval - The Department may require the client to obtain time and amount-limited telephonic approval for use of the EBT card. The client would be required to place a call to the EBT contractor and positively identify himself or herself. The preauthorization would be time-limited and for a specific, preauthorized amount. The client would be able to use the card for a period of two hours or for some other period designated by the Department. The amount of the transaction could not exceed the preauthorized amount and must be accomplished electronically (manual authorization or voucher processing). Key-entered transactions or exception processing may not be used.

4) Transaction Withdrawals - To assist a client in managing his or her funds or to reduce the potential for fraud, the Department may limit the amount of benefits that may be withdrawn or used per transaction per day. The amount would not exceed \$50.00 and may be lowered, as determined by the Department to be necessary under the individual circumstances.

5) Use of Specific POS Terminals - The Department may notify a client that it has restricted benefit access points available to the client. The client may be restricted to accessing benefits

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at one or two locations, designated by the Department. The merchant or retailer would have to obtain telephone authorization of the transaction. Use of exception processing or key-entered transactions would not be allowed. This determination can only be imposed for a period not to exceed 24 months and is designed to address situations of mismanagement, fraud, multiple replacement requests and intentional program violations.

6) Use of Protective or Alternate Payee - Repeated loss of the EBT card and PIN is a basis for a determination of client mismanagement and authorization of a Protective Payment Plan (PPP).

e) Other Remedies

The Department may use other remedies to reduce future claims and to address fraud, abuse, collusion or intentional program violations, as warranted by the individual case circumstances. Those remedies may include, but shall not be limited to:

- 1) disqualification;
- 2) penalties, fines and/or imprisonment consistent with federal and State law and regulations; and
- 3) referrals to federal law enforcement authorities, when appropriate.

(Source: Amended at 21 Ill. Reg. 7733, effective 11/14/99)

Section 121.98 Client Training for the Electronic Benefits Transfer (EBT) System ~~Food Stamp-Simplified Application-Demonstration-Project-(Repeated)~~

a) Clients will be trained on the use of the EBT system and EBT card prior to receipt of benefits via EBT.

b) Clients will be provided training and materials related, but not limited, to:

- 1) the appropriate use and security of the EBT card and PIN;
- 2) client liabilities for benefit loss;
- 3) information on transaction limitations and charges;
- 4) client responsibility for reporting loss or theft of the EBT card and to whom and how such reports should be made;
- 5) information on the services available from the Client Helpline Number;
- 6) proper care and protection of the EBT card;
- 7) replacement card policy; and
- 8) how to report problems with the EBT card or EBT system equipment.

(Source: Repealed at 10 Ill. Reg. 14692, effective August 29, 1986; new Section adopted at 21 Ill. Reg. 7733, effective 11/14/99.)

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- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: 120.379
Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: June 9, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 9, 1997
- 9) Notice of Proposal Published in Illinois Register: August 23, 1996 (20 Ill. Reg. 11472)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:
1. In Section 120.379(d)(2), "subsection (e)" was changed to "subsection (f)".
2. In Section 120.379(e), "of" was changed to "after".
No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
120.60	Amendment	March 14, 1997 (21 Ill. Reg. 3027)
120.330	Amendment	March 7, 1997 (21 Ill. Reg. 2913)
120.347	Amendment	March 14, 1997 (21 Ill. Reg. 3027)
120.382	Amendment	March 7, 1997 (21 Ill. Reg. 2913)

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- 15) Summary and Purpose of Amendments: The Department is adopting amendments to provide criteria for appeals of the Community Spouse Asset Allowance (CSAA). This rulemaking establishes the criteria the Department will use, as the result of an appeal, to determine the amount (if any) over the CSAA maximum of \$79,020 that a resident in a nursing facility may transfer to a community spouse without affecting Medicaid eligibility. The method for the determination will include basing the income-producing capacity of assets on the amount needed to purchase a single premium life annuity that would provide monthly payments sufficient to raise the community spouse's income to the Community Spouse Maintenance Needs Allowance of \$1,975. However, these amendments do not require the actual purchase of the annuity. This rulemaking also provides that the appeal hearing will be held within 30 days after the date the appeal is filed.
- These amendments also qualify increases of the CSAA based on asset transfers under a court order. As a result of these amendments, an increase to the CSAA will be permitted in a legal proceeding when a court approves the transfer of income-producing assets to the community spouse in an amount greater than the standard CSAA.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1

Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10

Eligibility For Medical Assistance

120.11 Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy

120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women

120.20 MANG(AABD) Income Standard

120.30 MANG(C) Income Standard

120.31 MANG(P) Income Standard

120.40 Exceptions To Use Of MANG Income Standard

120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60

All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy

120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities

120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643

120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings

120.64 Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy

120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

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Section
120.70

Supplementary Medical Insurance Benefits (SMIB) Buy-In Program Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)

120.73

Eligibility for Medical Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)

120.74

Qualified Medicare Beneficiary (QMB) Income Standard

120.75

Specified Low-Income Medicare Beneficiary (SLIB) Income Standard

120.76

Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80

Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90

Migrant Medical Program

120.91

Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.200

Elimination of Aid to The Medically Indigent

120.208

Client Cooperation (Repealed)

120.210

Citizenship (Repealed)

120.211

Residence (Repealed)

120.212

Age (Repealed)

120.215

Relationship (Repealed)

120.216

Living Arrangement (Repealed)

120.217

Supplemental Payments (Repealed)

120.218

Institutional Status (Repealed)

120.224

Foster Care Program (Repealed)

120.225

Social Security Numbers (Repealed)

120.230

Unearned Income (Repealed)

120.235

Exempt Unearned Income (Repealed)

120.236

Education Benefits (Repealed)

120.240

Unearned Income In-Kind (Repealed)

120.245

Earmarked Income (Repealed)

120.250

Lump Sum Payments and Income Tax Refunds (Repealed)

120.255

Protected Income (Repealed)

120.260

Earned Income (Repealed)

120.261

Budgeting Earned Income (Repealed)

120.262

Exempt Earned Income (Repealed)

120.270

Recognized Employment Expenses (Repealed)

120.271

Income From Work/Study/Training Program (Repealed)

120.272

Earned Income From Self-Employment (Repealed)

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120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Court Ordered Child Support Payments of Parent/Step-Parent
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts

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120.347	Treatment of Trusts
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.379	Assessment of Assets
120.380	Assets
120.381	Exempt Assets
120.382	Asset Disregard
120.383	Deferral of Consideration of Assets
120.384	Spend-down of Assets (MANG)
120.385	Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
120.386	Property Transfers Occurring On or Before August 10, 1993
120.387	Property Transfers Occurring On or After August 11, 1993
120.390	Persons Who May Be Included in the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG and Children Born October 1, 1983, or Later
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393	Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395	Payment Levels for MANG
120.399	Redetermination of Eligibility

TABLE A Value of a Life Estate and Remainder Interest

TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V, and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, and VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg.

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16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive

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change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987 for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendments at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2,

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1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7748, effective _____.

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.379 Provisions for the Prevention of Spousal Impoverishment

- a) The provisions for the prevention of spousal impoverishment apply only to a resident of a long term care facility whose spouse resides in the community and to a person who but for the provision of home and community-based services under Section 4.02 of the Illinois Act on the Aging would require the level of care provided in a long term care facility and whose spouse resides in the community.
- b) An assessment is completed to determine the total combined amount of nonexempt assets of the individual and his or her community spouse:
 - 1) when residence begins in a long term care facility or when home and community-based services begin; and
 - 2) when requested by either spouse or a representative acting on behalf of either spouse, even if an application for assistance has not been filed.
- c) A re-assessment is not required if:

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- 1) a resident of a long term care facility is discharged for a period of less than 30 days and then reenters the facility;
- 2) a resident of a long term care facility enters a hospital and then returns to the facility from the hospital;
- 3) an individual discontinues receiving home and community-based services for a period of less than 30 days; or
- 4) an individual discontinues receiving home and community-based services due to hospitalization and then is discharged and begins to receive home and community-based services.
- d) The transfer of property is allowed, as determined in subsection (b) of this Section, by the client to the community spouse or to another individual for the sole benefit of the community spouse in an amount that does not exceed the Community Spouse Asset Allowance (CSAA). The CSAA Community-Spouse-Asset-Allowance, as of October 1, 1989, is an amount up to but not greater than \$60,000 that the individual may transfer, without affecting eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. As of October 1, 1989, the amount of assets an individual may transfer to his or her community spouse is \$60,000 minus any nonexempt assets of the community spouse. The amount established as the CSAA Community-Spouse-Asset-Allowance shall be provided for calendar years after 1989 by the Department of Health and Human Services. The CSAA may exceed the standard annual figure established by the U.S. Department of Health and Human Services only in one of the following circumstances: Community-Spouse-Asset-Allowance-is-subject-to--the-following-qualifiers:
 - 1) in a legal proceeding, a court approves the transfer of income-producing assets to the community spouse in an amount greater than the standard CSAA; or
 - 2) as the result of an appeal hearing (described in 89 Ill. Adm. Code 104.1), the Department determines that the transfer of income-producing assets to the community spouse in an amount greater than the standard CSAA is necessary to raise the community spouse's income to, but not more than, the Community Spouse Maintenance Needs Allowance (described in subsection (f) of this Section).
- A) The Department will measure the amount of an allowable increase in the CSAA by the cost to purchase an actuarially sound single premium life annuity producing monthly payments that, when added to the community spouse's income, will be sufficient to raise the community spouse's income to, but not more than, the Community Spouse Maintenance Needs Allowance. If assets are insufficient to purchase such an annuity, the Department will measure the amount of an allowable increase in the CSAA by the cost to purchase an actuarially sound single premium life annuity producing monthly payments using available assets.
- B) It is the appellant's responsibility to provide the

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Department with an estimate from a reputable company of the cost to purchase the annuity.

C) The Department may compare the estimate with available information on the cost of other single premium life annuities.

D) In calculating the amount of the community spouse's income after approval of an increased CGAA, the Department shall deem the amount of the annuity payments as being available to the community spouse, although it will not require the actual purchase of an annuity.

1) ~~The amount of assets sufficient to provide for the amount of income generated by the community spouse--Maintenance Needs Allowance--(as described in subsection (e) of this Section)--as determined by a fair hearing, or~~
2) ~~The amount transferred under a court order to the community spouse.~~

e) The appeal hearing, described in subsection (d)(2) of this Section, shall be held within 30 days after the date the appeal is filed.

f) ~~Deductions are allowed from the MANG client's non-SSI income for a Community Spouse Maintenance Needs Allowance and a Family Maintenance Needs Allowance for each dependent family member who is living with the community spouse and who does not have enough income to meet his or her needs. Family members include dependent children under age 21, dependent adult children, dependent parents or dependent siblings of either spouse. The amount of the deduction is determined as follows:~~

1) The deduction for the Community Spouse Maintenance Needs Allowance, as of October 1, 1989, is equal to the community spouse maintenance needs standard (\$1,500) less any nonexempt monthly income of the community spouse. The amount established as the community spouse maintenance needs standard shall be provided for calendar years after 1989 by the Department of Health and Human Services. The deduction is allowed only to the extent the income of the individual is contributed to the community spouse. However, the deduction for the Community Spouse Maintenance Needs Allowance shall not be less than the amount ordered by the court for support of the community spouse or the amount determined as the result of the fair hearing.

2) The deduction for the Family Maintenance Needs Allowance for each dependent family member is equal to one-third of the difference between the family maintenance needs standard (122% of the Federal Poverty level for two persons as of September 30, 1989, 133% as of July 1, 1991 and 150% as of July 1, 1992) and any nonexempt income of the family member.

(Source: Amended at 21 Ill. Reg. 7748, effective

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1) Heading of the Part: Related Program Provisions

2) Code Citation: 89 Ill. Adm. Code 117

3) Section Numbers: Adopted Action:

117.10 Amendment

117.11 New Section

117.12 New Section

117.13 New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendments: June 4, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 4, 1997

9) Notice of Proposal Published in Illinois Register: August 30, 1996 (20 Ill. Reg. 11593) and January 24, 1997 (21 Ill. Reg. 1165)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? Yes

11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:

Section 117.10

1. In Section 117.10(b)(1), "judicially appointed" was hyphenated.

2. In Section 117.10(b)(3), "or" was added before "other", "minor parent's" was added before "parent" and "minor" was changed to "minor parent".

3. In Section 117.10(b)(6)(C), the ILCS citation was corrected.

4. In Section 117.10(b)(6)(G), "Payee" was changed to "payment".

5. In Section 117.10(h), an underlined comma was added after "cases".

Sections 117.10, 117.11, 117.12, and 117.13

1. In Section 117.11(a), the comma after "account" and the comma after "area" were deleted.

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2. In Section 117.11(c), "saving" was pluralized.
3. In Section 117.12(b), the comma after "limited" was deleted.
4. Section 117.13(b) was changed as follows:

The Department may employ any of the administrative remedies listed in this subsection (b) to deter multiple claims of benefit loss or multiple EBT card replacements, subject to notice to and appeal by the client. Which remedy would be applied will be determined by such elements as the type of situation that gives rise to the need for the remedy and the effectiveness of previously utilized remedies.

5. In Section 117.13(b)(6), "Automatic" was changed to "Automated" and mismanagement was correctly spelled.
6. In Section 117.13(b)(7), the commas after "protective" and "Alternate" were deleted and "Payee" was changed to "Payment".

No other changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:

Section 117.10

On August 30, 1996, at 20 Ill. Reg. 11593, amendments were published to implement the Electronic Benefits Transfer (EBT) System. These amendments establish, in part, that the assistance grant will be paid to an individual designated as the payee on the warrant or the individual authorized to use the Electronic Benefits Transfer (EBT) card. As a result of EBT, the Department became aware of the need for AABD clients to choose a representative payee.

These amendments allow AABD clients, age 18 or over, the option of choosing a representative payee. These amendments provide that:

1. For AABD clients under the age of 18, the client will not be the payee unless the client lives independently, is capable of managing his or her own affairs, does not have a guardian, and is approved for direct payment by the local office administrator. In all other situations, a

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representative payee must be assigned.

2. For AABD clients age 18 and over, unless the client has a legally-appointed guardian or the client is determined to be physically or mentally unable to manage the grant, the client will be the payee or the client may choose to have a representative payee. If the client has a legally-appointed guardian, the legally-appointed guardian will be assigned as the payee. If the client is physically or mentally unable to manage the grant, a representative payee must be assigned.

This rulemaking also incorporates provisions regarding the restrictions in payment to households headed by a minor parent (see 89 Ill. Adm. Code 112.67) into Section 117.10, Payee for Financial Assistance.

Sections 117.10, 117.11, 117.12 and 117.13

Pursuant to provisions in 7 CFR 274.12, these amendments implement the Electronic Benefits Transfer (EBT) system. The EBT system is a method by which cash and food stamp benefits are issued and redeemed through electronic technology. The EBT system replaces paper checks and food stamp coupons currently used to deliver benefits to clients. Benefits are electronically issued and redeemed without the creation of a paper check or food stamp coupons.

The EBT program will be used for clients who receive help in the form of food stamp coupons, grants and child support pass-through payments. Specifically, those persons in cash assistance programs such as Aid to Families with Dependent Children (AFDC), Aid to the Aged, Blind or Disabled (AABD), Refugee Repatriate Assistance (RRA), the State General Assistance program in Chicago and Child Support Enforcement pass-through payments will use the EBT system. MANG cases will not be included in EBT, unless the individuals receive food stamp benefits. Also, non-assistance/MANG child support cases will not be included in EBT.

Benefits of the EBT system include the following:

- improves the delivery of benefits to clients;
- helps reduce theft and loss;
- provides better security to reduce benefit fraud;
- eliminates check cashing fees;
- reduces administrative and operating costs; and
- reduces the stigma attached to cashing benefit checks and using food stamp coupons.

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The EBT system being developed by the Department will provide clients with a plastic card, similar to a bank card, to be used at Point-of Sale (POS) terminals and Automated Teller Machines (ATMs). The individual will select a confidential, four-digit code that will enable him or her to access his or her benefits through POS terminals or ATMs. Clients will use their cards to draw against their food stamp benefits and cash assistance accounts.

The EBT process will work like standard POS/ATM withdrawals, only the money will come from a public aid account instead of a bank account. Computer terminals will display account balances and print receipts showing available funds or food stamp credits. Food stamp and other electronic accounts, maintained by the State, will be debited automatically. Clients purchasing food will use their cards in grocery stores and their food stamp accounts will decrease by the amount of the food purchase. Purchases will be paid for by immediate deductions from the account.

These amendments establish that clients will be trained on the use of the EBT system and EBT care prior to receipt of benefits via EBT. This rulemaking also sets out the provisions for replacement of the EBT card.

Using the EBT system will provide clients with an opportunity to gain money management experience by withdrawing benefits, as needed. In addition, clients will no longer have to pay check-cashing fees each month. The delivery and management of benefits to clients will be improved by the EBT system. Administrative costs of distributing and redeeming food stamp benefits will be reduced. Also, fraud and misuse of food stamp benefits will be reduced through the EBT system.

Companion amendments are being adopted in 89 Ill. Adm. Code 121.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER VV: DISTRICT, COUNTY, TOWNSHIP AND SPECIAL ACT

MUTUAL COMPANIES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 117

RELATED PROGRAM PROVISIONS

Section	
117.1	Incorporation By Reference
117.10	Payee for Financial Assistance
117.11	Issuance of Cash Assistance Benefits
117.12	Client Training for the Electronic Benefits Transfer (EBT) System
117.13	Replacement of the EBT Card
117.15	Reinstatement Upon Agreement to Cooperate
117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
117.50	Funerals and Burials
117.51	Funeral Home Services
117.52	Burial Expenses
117.53	Payment to Vendor(s)
117.54	Claims for Reimbursement
117.55	Submittal of Claims
117.60	Substitute Parental Care/Supplemental Child Care - APDC, AABD and GA Family Cases
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants
117.90	State Income Tax Match

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780,

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effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. ~~7750~~, effective April 4, 1997.

Section 117.10 Payee For Financial Assistance

- a) The assistance grant shall be paid to an individual designated as the payee on the warrant or the individual authorized to use the Electronic Benefits Transfer (EBT) card or, for direct deposit accounts, the person in whose name the bank account is established.
- b) The individual receiving assistance shall be designated as the payee with the following exceptions:
 - 1) When a client has a judicially-appointed ~~judicially-appointed~~ conservator or guardian, payment shall be made to the conservator or guardian unless other arrangements are made with the Department by the conservator or guardian.
 - 2) In a situation where no specified relative is available to act as payee, another person may act as Temporary Grantee for a period not to exceed 90 days.
 - 3) When a minor parent and his or her dependent child are required to live with the minor parent's parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, then, where possible, the AFDC grant will be paid to the adult who is responsible for supervising the minor parent. Otherwise, the minor parent will receive the AFDC grant.
 - 4) For AABD clients under the age of 18, the client will not be the payee unless the client lives independently, is capable of managing his or her own affairs, does not have a guardian, and is approved for direct payment by the local office administrator. In all other situations, a representative payee must be assigned.
 - 5) For AABD clients age 18 and over, unless the client has a legally-appointed guardian or the client is determined to be physically or mentally unable to manage the grant, the client will be the payee or the client may choose to have a representative payee. If the client has a legally-appointed guardian, the legally-appointed guardian will be assigned as the payee. If the client is physically or mentally unable to manage the grant, a representative payee must be assigned.

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- 6)3) A Protective Payment Plan protective--payment--plan (PPP) is initiated by the Department when a client has demonstrated mismanagement of funds to the detriment of the welfare of the client or family. Examples include but are not limited to:
 - A) A client defaults on an agreement made with a utility company and the Department in the client's behalf. In this instance, when the protective payee receives the assistance payment, payment on current and back utility charges only shall be paid by the payee; the balance of the payment shall be forwarded to the client each month.
 - B) For AFDC only - When a child in the assistance unit is determined to be neglected by the Department of Children and Family Services under Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3] and 89 Ill. Adm. Code 300.Appendix B.
 - C) For AFDC only - The case involves a record establishing that a parent or relative has been found guilty of public assistance fraud under Article VIIIA of the Illinois Public Aid Code [305 ILCS 5/Art. VIIIAV###].
 - D) Nonpayment of rent for two months shall be considered as evidence of grant mismanagement.
 - E) Substance abuse by the caretaker relative is identified and another family member or friend is ensuring that the family's needs are being met.
 - F) For AFDC only - the health and well-being of a child in the assistance unit is at risk, as indicated by lack of regular school attendance, as defined by the school.
 - G) Repeated loss of both the EBT card and Personal Identification Number (PIN) is a basis for a determination of client mismanagement and authorization of a Protective Payment Plan (PPP).
- c) Notice shall be sent to the client before a protective payment plan is initiated. The notice shall inform the client of the right to appeal inclusion in a protective payment plan. (See 89 Ill. Adm. Code 104.)
- d) The protective payee shall not receive compensation for the protective payee duties and must agree to assume responsibility for the expenditure of the assistance payment in behalf of the client.
- e) The client's landlord or a vendor of goods or services to the client, with the exception of private welfare and social service agencies, shall not be designated as protective payee.
- f) The Department may designate private welfare or social service agencies to serve as protective payees.
- g) When no other suitable payee is available, the Department may appoint a member of its staff to act as protective payee. However, the staff acting as protective payee may not be:
 - 1) a person determining the client's eligibility or level of assistance;
 - 2) a person handling fiscal processing relating to the recipient;

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- 3) investigative staff; or
- 4) a local office administrator.
- h) The need for continuation of a protective payment plan and the performance of the protective payee shall be reviewed and evaluated by the Department as often as circumstances indicate, or, for AFDC cases, at least every 12 months.

(Source: Amended at 21 Ill. Reg. 7759, effective 1/1/84.)

Section 117.11 Issuance of Cash Assistance Benefits

- a) In areas where the Electronic Benefits Transfer (EBT) system is operative, cash assistance benefits shall be issued to the payee via an electronic benefits payment file established by the Department through EBT. The payee may access the cash benefits at any participating Point-of-Sale (POS) terminal or Automated Teller Machine (ATM). Clients may elect to use a direct deposit account in an EBT area to receive cash assistance benefits but may not elect any other delivery option.
- b) In areas where the Department has a contract or contracts with specific Direct Delivery Agents (DDAs) and the EBT system is not operative, the cash assistance benefits will be delivered to the DDA for distribution to the client. If more than one DDA is available, the client may select the DDA of his or her choice. Clients may be exempted from participation in direct delivery for specific circumstances. (For example, client is in an educational or training program or employed and hours of attendance or employment prevent the client from picking up the warrant during normal business hours, client is permanently homebound and no proxy is available or client is in exempt status.)
- c) If the client has a checking or savings account, the client may elect to have cash assistance benefits delivered via direct deposit to the financial institution where the client account resides.
- d) In circumstances where none of the above delivery options are available, a warrant for the cash assistance benefits will be delivered to the client's residence or other secure address, as selected by the client.

(Source: Added at 21 Ill. Reg. 7759, effective 1/1/84.)

Section 117.12 Client Training for the Electronic Benefits Transfer (EBT) System

- a) Clients will be trained on the use of the EBT system and EBT card prior to receipt of benefits via EBT.
- b) Clients will be provided training and materials related, but not

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limited to:

- 1) the appropriate use and security of the EBT card and Personal Identification Number (PIN);
- 2) client liabilities for benefit loss;
- 3) information on transaction limitations and charges;
- 4) client responsibility for reporting loss or theft of the EBT card and to whom and how such reports should be made;
- 5) information on the services available from the Client Helpline Number;
- 6) proper care and protection of the EBT card;
- 7) replacement card policy; and
- 8) how to report problems with the EBT card or EBT system equipment.

(Source: Added at 21 Ill. Reg. 7759, effective 1/1/84.)

Section 117.13 Replacement of the EBT Card

- a) Replacement of the EBT Card

- 1) The EBT card (benefit access device) will be replaced if lost, stolen or damaged.
- 2) The loss, theft or damage of the EBT card must be immediately reported to the EBT contractor.
- 3) The client will go to the local public assistance office for replacement of the EBT card and selection of a new Personal Identification Number (PIN).
- 4) Administrative remedies, as described in subsection (b) of this Section, may be imposed following the loss, theft or damage of the EBT card or the loss of assistance benefits.

- b) Administrative Remedies

The Department may employ any of the administrative remedies listed in this subsection (b) to deter multiple claims of benefit loss or multiple EBT card replacements, subject to notice to and appeal by the client. Which remedy would be applied will be determined by such elements as the type of situation that gives rise to the need for the remedy and the effectiveness of previously utilized remedies.

- 1) Retaining - The Department may require the client to attend and participate in additional EBT training. The emphasis in the training will be to reaffirm the client's responsibility in securing the EBT card and PIN and to ensure secure and responsible participation in the EBT system.
- 2) Charge for Replacement Card or Cards - The Department may assess a fee for replacement of the EBT card. Such fees may increase for subsequent replacement cards.
- 3) Telephone Approval - The Department may require the client to obtain time and amount-limited telephonic approval for use of the EBT card. The client would be required to place a call to the EBT contractor and positively identify himself or herself. The

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preauthorization would be time-limited and for a specific, preauthorized amount. The client would be able to use the card for a period of two hours or for some other time period designated by the Department. The amount of the transaction could not exceed the preauthorized amount and must be accomplished electronically (manual authorization or voucher processing). Key-entered transactions or exception processing may not be used.

- 4) Transaction Withdrawals - To assist a client in managing his or her funds or to reduce the potential for fraud, the Department may limit the amount of benefits that may be withdrawn or used per transaction per day. The amount would not exceed \$50.00 and may be lowered, as determined by the Department to be necessary under the individual circumstances.

- 5) Use of Specific Point-of-Sale (POS) Terminals - The Department may notify a client of restricted benefit access points available to the client. The client may be restricted to accessing benefits at one or two locations, designated by the Department. The merchant or retailer would have to obtain telephone authorization of the transaction. Use of exception processing or key-entered transactions would not be allowed. This determination can only be imposed for a period not to exceed 24 months and is designed to address situations of mismanagement, fraud, multiple replacement requests and intentional program violations.

- 6) Use of Specific Automated Teller Machine (ATM) Terminals - The Department may notify a client of restricted benefit access points available to the client. The client may be restricted to accessing benefits at one or two locations, designated by the Department. This determination can only be imposed for a period not to exceed 24 months and is designed to address situations of mismanagement, fraud, multiple replacement requests and intentional program violations.

- 7) Use of Protective or Alternate Payee - Repeated loss of the EBT card and PIN is a basis for a determination of client mismanagement and authorization of a Protective Payment Plan (PPP).

c) Other Remedies

The Department may use other remedies to reduce future claims and to address fraud, abuse, collusion or intentional program violations, as warranted by the individual case circumstances. Those remedies may include, but shall not be limited to:

- 1) disqualification;
- 2) penalties, fines and/or imprisonment consistent with federal and State law and regulations; and
- 3) referrals to federal law enforcement authorities, when appropriate.

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(Source: Added at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Regulations Under the Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- 3) Section Number: 130.826 Adopted Action: Amended
- 4) Statutory Authority: 815 ILCS 5/11.A
- 5) Effective Date of Rule: May 23, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: May 23, 1997
- 9) Notice of Proposed Published in Illinois Register: March 14, 1997 21 Ill. Reg. 3070
- 10) Has JCAR issued a Statement of Objection to this rule? No
- 11) Differences between proposed and final version: No substantial changes were made. The only changes made were the ones agreed upon with JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace emergency rules currently in effect? No
- 14) Are there any amendments pending on this Part? Yes, Section 130.293 is pending.
- 15) Summary and purpose of Rule: Section 130.826 - Amended to conform the Illinois net capital requirement of registered dealers to those of the current federal requirement.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Theresa Oxtoby
Assistant to the Director
Illinois Securities Department
Lincoln Towers, Ste. 200
520 South Second Street
Springfield, IL 62701
(217) 782-2256

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The full text of the Adopted Amendments begins on the next page:

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TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 130

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Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act
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130.1701 Inspection of Applications

130.1702 Inspection of Dealer, Salesperson and Investment Adviser Records
130.1703 Non-Public Distribution of Information

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 (815 ILCS 5).

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency amendment at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5189, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7760, effective MAY 2 1997.

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section 130.826 Registered Dealer Net Capital Requirements

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a) Each dealer registered under Section 8 of the Act shall at all times have and maintain net capital no less than the greater of the higher minimum requirement applicable to its ratio requirement under 17 CFR 240.15c3-1 as in effect on January 1, 1997 (no subsequent amendments or editions). No dealer electing to use the alternative standard shall permit its net capital to be less than the greater of the amount set forth in 17 CFR 240.15c3-1 as in effect on January 1, 1997 (no subsequent amendments or editions) or 2 percent of the aggregate debit items computed in accordance with 17 CFR 240.15c3-3 as in effect on January 1, 1997 (no subsequent amendments or editions).

a) No--registered--dealer--shall--permit--its--aggregate--indebtedness--to--all other--persons--to--exceed--1500%--of--its--net--capital--unless--it--meets--the conditions--of--and--elects--to--utilize--the--alternative--method--for computation--set--forth--in--17-CFR-240-15c3-1--as--in--effect--on--July--17-1989--(no--subsequent amendments--or--editions);--No--dealer--electing--to use--such--alternative--method--shall--permit--its--net--capital--to--fall--below two--(2)--percent--of--aggregate--debit--items--as--computed--in--accordance with--17-CFR-240-15c3-3(a)--as--in--effect--on--July--17-1989--(no--subsequent amendments--or--editions);

b) In addition to meeting the requirement set forth in subsection (a) of the this Section, a dealer subject to the aggregate indebtedness standard method of net capital computation shall maintain the amount specified in 17 CFR 240.15c3-1 as in effect on January 1, 1997 (no subsequent amendments or editions).⁷

1) If--engaged--in--a--general--securities--business--(that--is--a securities--business--that--is--not--described--in--subsection--(2)--or (3)--of--this--subsection--(b))--in--all--cases--maintain--net--capital--of not--less--than--\$25,000.00;

2) If--the--dealer--does--not--hold--funds--or--securities--for--or--owe--money or--securities--to--customers--and--does--not--carry--accounts--of--or for--customers--(except--as--described--in--17--CFR 240-15c3-(1)(a)(2)(iv))--as--in--effect--on--July--17-1989--(no--subsequent amendments--or--editions);--and--otherwise--meets--the--conditions--of and--limits--its--securities--activities--to--those--described--in--17-CFR 240-15c3-(1)(a)(2)--as--in--effect--on--July--17-1989--(no--subsequent amendment--or--editions);--in--all--cases--maintain--minimum--net--capital of--not--less--\$5,000.00;

3) If--the--dealer--is--engaged,--in--the--manner--described--in--17-CFR 240-15c3-(1)(a)(3)--as--in--effect--on--July--17-1989--(no--subsequent amendments--or--editions);--solely--in--transactions--in--redeemable shares--of--registered--investment--companies--and--of--interests--or participations--in--an--insurance--company--separate--account--and certain--related--transactions--described--in--17-CFR-240-15c3-(1)(a)(3) as--in--effect--on--July--17-1989--(no--subsequent--amendments--or editions);--in--all--cases--maintain--net--capital--of--not--less--than \$25,000.00;--and

4) If--the--dealer--acts--as--a--market-maker--in--all--cases;--maintain--net capital--of--not--less--than--the--greater--of--\$25,000.00--or--\$2,500.00

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per security in which the dealer makes a market has a market value of 95.00 or less in which event the amount of net capital shall be not less than \$500,000 for each such security based on the average number of such markets made by such dealer during the 30 days immediately preceding the computation date except that no dealer shall be required by virtue of this subsection (4) to maintain net capital in excess of \$100,000.00.

c) A dealer electing to utilize the alternative method for computation set forth in 17 CFR 240.15c3-1(f) as in effect on July 17, 1989 (no subsequent amendments or editions) shall, in addition to meeting the requirement set forth in subsection (4) of this Section, maintain net capital of not less than \$100,000.00 or, in the case of a dealer effecting transactions solely in municipal securities, of not less than \$250,000.00.

d) Each dealer shall make the applicable computations set forth in subsection (a) of this Section in accordance with the provisions of 17 CFR 240.15c3-3 in effect on January 1, 1997 (no subsequent amendments or editions) not less than monthly and shall preserve such computations as part of the records required by Section 130.825 of this Part.

e) A registered dealer which holds funds or securities for or owes money or securities to customers and carries accounts of or for customers, except for those granted under the provisions of 17 CFR 240.15c3-1(a)(1) as in effect on July 17, 1989 (no subsequent amendments or editions) shall meet the provisions of 17 CFR 240.15c3-3 as in effect on July 17, 1989 (no subsequent amendments or editions), unless otherwise exempt pursuant to the provisions thereunder.

f) For the purpose of this Section and to insure uniform interpretation the terms "aggregate indebtedness" and "net capital" of a dealer shall be computed as set out in 17 CFR 240.15c3-1 or 240.15c3-3(a) as in effect on July 17, 1989 (no subsequent dates or editions). For the purpose of this Section the terms "general securities business" and "market maker" shall be defined as set forth in 17 CFR 240.15c3-1 as in effect on July 17, 1989 (no subsequent amendments or editions).

g) The Secretary may exempt a dealer from the requirements of this Section because of the special nature of business or financial position of the dealer and the safeguards that have been established for the protection of customers' funds and securities, and it is not necessary in the public interest or for the protection of investors for the dealer to be subject to the requirements of this Section.

(Source: Amended at 21 Ill. Reg. 17.0, effective MAY 2, 1997)

DEPARTMENT OF PUBLIC AID

NOTICE OF MODIFICATION TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: Proposed Action:
121.93 Amendment
121.94 Amendment
121.98 New Section
- 4) Notice of Proposed Amendments Published in the Illinois Register: August 30, 1996 (20 Ill. Reg. 11581)
- 5) JCAR Statement of Objections to Proposed Rulemaking Published in the Illinois Register: May 30, 1997 (21 Ill. Reg. 6619)
- 6) Summary of Action Taken by the Agency:

At its meeting on May 13, 1997, the Joint Committee on Administrative Rules objected to the Department's proposed amendments to "Food Stamps" (89 Ill. Adm. Code 121). The amendments were proposed on August 30, 1996, and appeared in the *Illinois Register* at 20 Ill. Reg. 11581.

The Department agrees with the Joint Committee that adoption of this rulemaking should have been better coordinated with implementation of the electronic benefits transfer program.

The Joint Committee's objection argues that "implementing the . . . program on a limited basis without having rules in place governing its operation" violates several provisions of the Illinois Administrative Procedure Act [5 ILCS 100]. However, the seriousness of any technical violation which may have occurred is mitigated by the facts that the program was implemented on a preliminary and limited basis, did not affect any benefits or rights of clients, and only changed the method of distribution of benefits. In addition, the time period during which this program was operated prior to the adoption of the rulemaking was limited and the proposed rulemaking was fully subject to public comment throughout this period.

The Department will attempt to better coordinate program implementation with the adoption of any necessary rulemaking in the future.

DEPARTMENT OF PUBLIC AID

NOTICE OF MODIFICATION TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Related Program Provisions2) Code Citation: 89 Ill. Adm. Code 117

3) Section Number: Proposed Action:
 117.10 Amendment
 117.11 New Section
 117.12 New Section
 117.13 New Section

4) Notice of Proposed Amendments Published in the Illinois Register: August 30, 1996 (20 Ill. Reg. 11593)5) JCAR Statement of Objections to Proposed Rulemaking Published in the Illinois Register: May 30, 1997 (21 Ill. Reg. 6620)6) Summary of Action Taken by the Agency:

At its meeting on May 13, 1997, the Joint Committee on Administrative Rules objected to the Department's proposed amendments to "Related Program Provisions" (89 Ill. Adm. Code 117). The amendments were proposed on August 30, 1996, and appeared in the *Illinois Register* at 20 Ill. Reg. 11593.

The Department agrees with the Joint Committee that adoption of this rulemaking should have been better coordinated with implementation of the electronic benefits transfer program.

The Joint Committee's objection argues that "implementing the . . . program on a limited basis without having rules in place governing its operation" violates several provisions of the Illinois Administrative Procedure Act [5 ILCS 100]. However, the seriousness of any technical violation which may have occurred is mitigated by the facts that the program was implemented on a preliminary and limited basis, did not affect any benefits or rights of clients, and only changed the method of distribution of benefits. In addition, the time period during which this program was operated prior to the adoption of the rulemaking was limited and the proposed rulemaking was fully subject to public comment throughout this period.

The Department will attempt to better coordinate program implementation with the adoption of any necessary rulemaking in the future.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5 (g) (1994), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$5,000.00 against Midwest Mortgage Company, Glenview, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder.

DEPARTMENT ON AGING

JULY 1997 REGULATORY AGENDA

- a) Part(s)(Heading and Code Citation): General Programmatic Requirements, 89 Ill. Adm. Code 220

1) Rulemaking:

A) Description: This rulemaking amends rule Section 220.600 through rule Section 220.670. This rulemaking will address the Department's Case Coordination Unit selection, designation and compliance requirements.

B) Statutory Authority: 20 ILCS 105/4.01(11)

C) Scheduled meeting/hearing date: The Department does not anticipate conducting public hearings on this rulemaking.

D) Date agency anticipates First Notice: The Department anticipates First Notice during the period of time after July 1, 1997, but prior to October, 1997.

E) Affect on small businesses, small municipalities, or not for profit corporations: This rulemaking will affect those small businesses, municipalities, local governments and not for profit corporations which currently provide Community Care Program and Title III case management services or elect to respond to a request for proposal to provide case management services.

F) Agency contact person for information:

Pamela W. Balmer, Assistant
Office of the General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, IL 62701-1789
(217) 785-3346

G) Related rulemakings and other pertinent information: 89 Ill. Adm. Code Part 240 and 89 Ill. Adm. Code Part 230.

- b) Part(s)(Heading and Code Citation): Community Care Program, 89 Ill. Adm. Code 240

1) Rulemaking:

A) Description: This rulemaking will address rule Sections in 89 Ill. Adm. Code 240 to ensure appropriate cross-references for Case Coordination Unit selection and designation.

DEPARTMENT ON AGING

JULY 1997 REGULATORY AGENDA

- B) Statutory Authority: 20 ILCS 105/4.01(11)

C) Scheduled meeting/hearing date: The Department does not anticipate conducting public hearings on this rulemaking.

D) Date agency anticipates First Notice: The Department anticipates First Notice during the period of time after July 1, 1997, but prior to October, 1997.

E) Affect on small businesses, small municipalities, or not for profit corporations: This rulemaking will affect those small businesses, municipalities, local governments and not for profit corporations which currently provide Community Care Program and Title III case management services or elect to respond to a request for proposal to provide case management services.

F) Agency contact person for information:

Pamela W. Balmer, Assistant
Office of the General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, IL 62701-1789
(217) 785-3346

G) Related rulemakings and other pertinent information: 89 Ill. Adm. Code Part 220 and 89 Ill. Adm. Code Part 230.

- c) Part(s)(Heading and Code Citation): Older Americans Act Programs, 89 Ill. Adm. Code 230

1) Rulemaking:

A) A description of the rule(s): This rulemaking will address rule Sections in 89 Ill. Adm. Code 230 to ensure appropriate cross-references for Case Coordination Unit selection and designation.

B) Statutory Authority: 20 ILCS 105/4.01 (11)

C) Scheduled meeting/hearing date: The Department does not anticipate conducting public hearings on this rulemaking.

D) Date agency anticipates First Notice: The Department anticipates First Notice during the period of time after July 1, 1997, but prior to October, 1997.

DEPARTMENT ON AGING

JULY 1997 REGULATORY AGENDA

E) Affect on small businesses, small municipalities, or not for profit corporations: This rulemaking will affect those small businesses, municipalities, local governments and not for profit corporations which currently provide Community Care Program and Title III case management services or elect to respond to a request for proposal to provide case management services.

F) Agency contact person for information:

Pamela W. Balmer, Assistant
Office of the General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, IL 62701-1789
(217) 785-3346

G) Related rulemakings and other pertinent information: 89 Ill. Adm. Code Part 240 and 89 Ill. Adm. Code Part 220.

d) Part(s)(Code Citation): Elder Rights Program, 89 Ill. Adm. Code 270

1) Rulemaking:

A) Description: This rulemaking describes the requirements of the Elder Abuse and Neglect Program. The rulemaking includes a description of the purpose and organization of the program, the responsibilities of the Department, the Regional Administrative Agencies and the Elder Abuse and Neglect Provider, the process of intake, classifying, substantiating and following up on a report, confidentiality and immunity and establishing and maintaining a case record.

B) Statutory Authority: 20 ILCS 20/10

C) Scheduled meeting/hearing date: The Department does anticipate conducting public hearings on this rulemaking.

D) Date agency anticipates First Notice: The Department anticipates First Notice after October, 1997.

E) Affect on small businesses, small municipalities, or not for profit corporations: This rulemaking will affect only those not for profit corporations or units of local, county or municipal government which are designated elder abuse and neglect provider agencies.

DEPARTMENT ON AGING

JULY 1997 REGULATORY AGENDA

F) Agency contact person for information:

Pamela W. Balmer, Assistant
Office of the General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, IL 62701-1789
(217) 785-3346

G) Related rulemakings and other pertinent information: Repeal of the current 89 Ill. Adm. Code 250 (Elder Abuse Program).

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 3, 1997 through June 9, 1997 and have been scheduled for review by the Committee at its June 17, 1997 or July 15, 1997 meetings in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/11/97	Illinois Health Care Cost Containment Council, Hospital Price Information (77 Ill Adm Code 2530)	3/14/97 21 Ill Reg 3025	6/17/97
7/17/97	Office of Banks and Real Estate, Real Estate License Act of 1983 (68 Ill Adm Code 1450)	4/18/97 21 Ill Reg 4948	6/17/97
7/17/97	State Universities Retirement System, Universities Retirement (80 Ill Adm Code 1600)	4/18/97 21 Ill Reg 4977	7/15/97
7/17/97	Debt Collection Board, State Agency Accounts Receivable (74 Ill Adm Code 910)	2/7/97 21 Ill Reg 1494	7/15/97
7/18/97	Department of Central Management Services, Solicitation for Charitable Payroll Deductions (80 Ill Adm Code 2650)	4/18/97 21 Ill Reg 4894	7/15/97
7/20/97	Department of Natural Resources, Dove Hunting (17 Ill Adm Code 730)	4/18/97 21 Ill Reg 4935	7/15/97

Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-2. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in Issue 29 (July 15); Issue 42 (October 17); and Issue 3 (January 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

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